

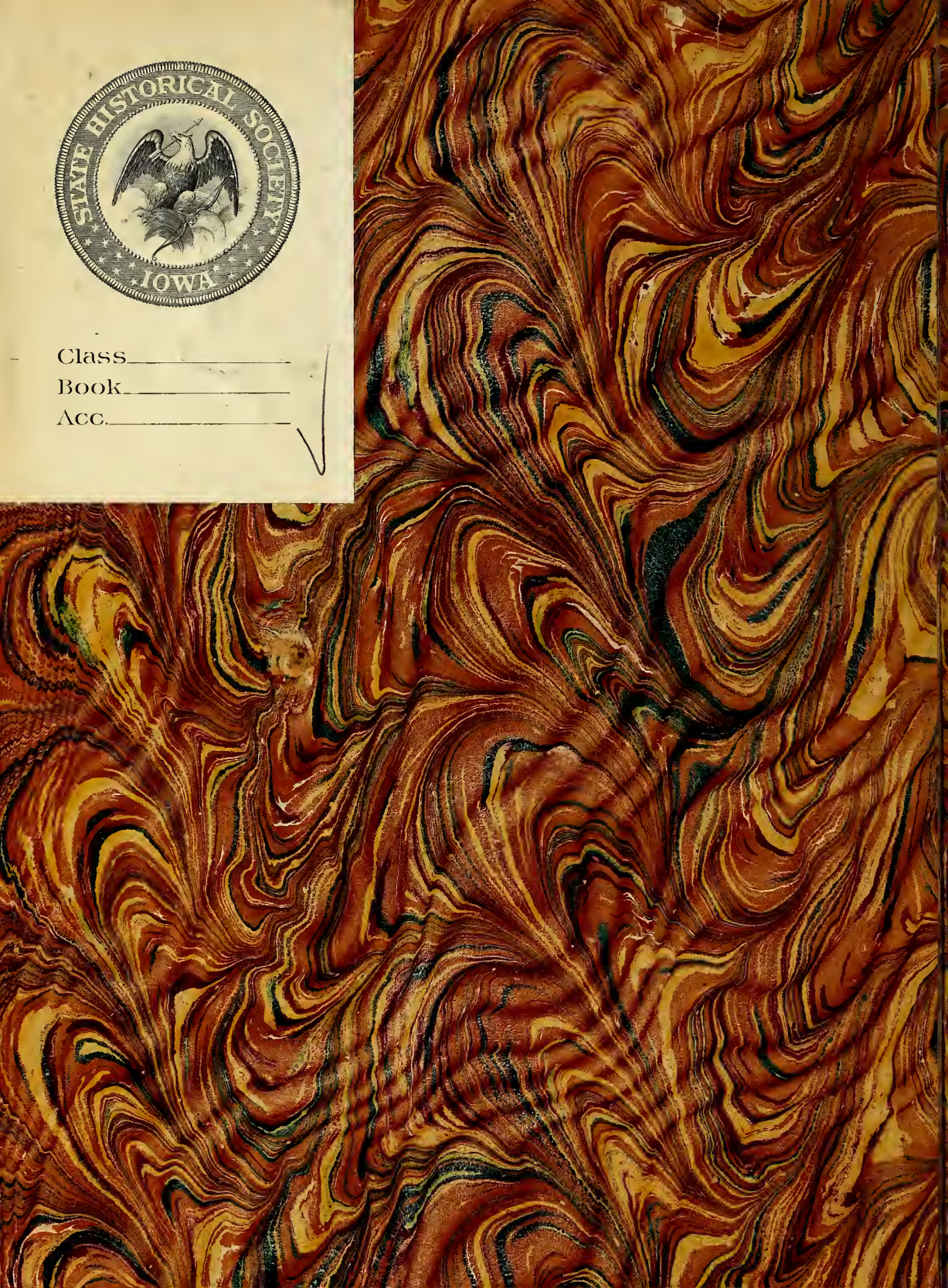




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THE
IOWA JOURNAL
OF
HISTORY AND POLITICS

BENJAMIN F. SHAMBAUGH
EDITOR

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1932

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1932

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RUTH A. GALLAHER *ASSOCIATE EDITOR*

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THE LEGISLATION OF THE FORTY-FOURTH GENERAL ASSEMBLY OF IOWA

The Forty-fourth General Assembly of Iowa convened at Des Moines on Monday, January 12, 1931, and adjourned, according to the *Journals*, on Wednesday, April 15th. While the clocks were stopped on April 15th, the date set for adjournment, and while all business transacted after that date, including adjournment, is written in the records of that day, the actual adjournment, as a matter of fact, did not occur until April 21st. The actual time between convening and adjourning was one hundred days, although the records show only ninety-four days. During the session there were fourteen Sundays, the customary spring recess from February 28th to March 9th, and a temporary adjournment from January 16th to 19th to give the presiding officers an opportunity to name the chairmen and members of the standing committees. The Assembly was, therefore, in session seventy-six days. On the basis of days thus actually spent in formulating legislation, the members received approximately thirteen dollars per day.¹

The Iowa Senate is composed of 50 members and the House of Representatives of 108 members. In the Forty-fourth General Assembly, 70 members of the House were Republicans and 38 were Democrats. Thus while the Republicans had a considerable majority the Democrats had a strong minority group which must be reckoned with in the passage of any important measure. In the Senate there were 45 Republicans and only 5 Democrats.²

Some idea of the work of the General Assembly may be

¹ *Senate Journal*, 1931, pp. 1, 20, 633, 1616; *The Des Moines Register*, April 22, 1931.

² *Legislative Directory Forty-fourth General Assembly*.

obtained from a brief summary of the number of bills introduced. During this session 1043 measures were introduced — 433 bills and 12 joint resolutions in the Senate and 588 bills and 10 joint resolutions in the House. Of these, 340 measures, including eight joint resolutions, were passed by both houses and approved by the Governor. Four measures, two originating in the Senate and two in the House, were vetoed by Governor Dan W. Turner.

The first measure vetoed by the Governor was an enabling act to carry out the provisions contained in the proposed amendment to the Constitution authorizing a one hundred million dollar road bond issue. Another measure which was vetoed would have set \$25 as the normal value of non-par stock of corporations. A third measure rejected was one designed to change the method of computing license fees on motor vehicles. The other bill vetoed was one which prohibited the catching of bullhead fish less than eight and one-half inches long. This latter measure, the Governor thought, was not needed as a conservation measure and would deprive the Iowa boy of recreation.³

One hundred and forty-six of the measures finally enacted into law originated as Senate bills, and one hundred and eighty-six were introduced as House bills. Five of the successful joint resolutions originated in the Senate and three originated in the House. Fifty-two bills passed the Senate and failed of passage in the House, while forty-four measures passed the House but did not pass the Senate. The majority of measures which failed, however, were killed in the house in which they originated, either by withdrawal by the author or by indefinite postponement.⁴

³ *The Des Moines Register*, April 26, 1931; *The Daily Iowan*, May 16, 1931; *Senate File, Forty-fourth General Assembly*, Nos. 347, 407; *House File, Forty-fourth General Assembly*, Nos. 285, 576.

⁴ These data were compiled from the *Index and History of Senate and House Bills and Joint Resolutions*, 1931.

ELECTIONS

Six laws dealing with elections were passed by the Forty-fourth General Assembly. One of these amended a section of the Code relative to proclamations for elections. The Iowa law provides that at least thirty days before any general election the Governor shall issue a proclamation designating the offices to be filled. Section 506 of the *Code of 1927* provided that the Governor's proclamation should stipulate that in "the districts numbered" (certain numbers being designated) two State Representatives should be elected. Representative districts, however, are not numbered by statute, although numbers for the districts are frequently indicated on election ballots and in the legislative journals, the *Official Register*, and other similar documents. In order to clarify the law on this point, the Code was amended to provide that the Governor's proclamation shall stipulate the counties which are authorized to elect two Representatives.⁵

The Constitution of Iowa also provides that the ratio of representation in the House of Representatives shall be determined by dividing the number of the population of the State by the number of counties. In accordance with this law and with the census returns for the year 1930, the General Assembly declared that the ratio of representation shall be 24,959, and that Lee County should be substituted for Wapello County in the list of nine counties entitled to additional representation.⁶

The *Code of 1927* provided for the election of eight Judges of the Supreme Court. The Forty-third General Assembly in 1929 increased the number of Judges from eight to nine. To provide for the election of this additional Judge the Forty-fourth General Assembly amended the

⁵ *Acts of the Forty-fourth General Assembly*, Ch. 14; Constitution of Iowa, Art. III, Sec. 35, as amended in 1904.

⁶ *Acts of the Forty-fourth General Assembly*, Ch. 17.

Code so that three Judges are now elected at each general election.⁷

Since 1882 Iowa has been apportioned into eleven congressional districts. In 1886 the State was redistricted, but the number of districts was not changed. Following that date no provision was made for a redistricting until after the passage of the Fenn Bill by Congress in 1929. This measure provided for a reapportionment in which, after 1932, Iowa was to be entitled to only nine Representatives in Congress. This measure gave rise to much discussion, and the problem of redistricting became one of the leading issues before the Forty-fourth General Assembly.

In any program of redistricting three factors should be kept in mind — equality of population in the various districts, contiguous territory within each district, and the political significance of the proposed changes. The political factor was particularly interesting since any change that could be made would result in a contest between present incumbents in office in at least two districts.

In an attempt to arrive at a satisfactory reapportionment nine measures were introduced in the House and two in the Senate. Since the Republican party had a substantial majority in both houses of the General Assembly, it was apparent that no redistricting plan could be adopted if it did not favor Republican interests. At the same time it should be noted that there were thirty-eight Democratic members in the House, and these Democrats, in coalition with certain Republican members, exerted a considerable minority power. It was necessary, therefore, that some concessions be made to Democratic interests. Indeed, amendments were introduced by Democratic members with a view of forming three Democratic districts.

The measure which came nearest to satisfying the de-

⁷ *Acts of the Forty-fourth General Assembly*, Ch. 15.

mands of the necessary majority of the two houses was one introduced in the House by Representative Hugh J. Tami-siea and in the Senate by Senator C. E. Anderson and known as the Tami-siea-Anderson Bill. This measure provided for comparatively compact districts and tended to retain the best features of the former congressional districts. It was opposed by the Democrats, however, and was referred to as "a deliberate gerrymander for Republican interests." The Democrats, under the leadership of Samuel D. Whiting, O. J. Reimers, and Otha D. Wearin, presented amendments which if passed would have given their party reasonable hope of carrying the election in three of the congressional districts. The Democrats, however, lacked sufficient strength to carry out their program. In the end, a compromise redistricting plan was adopted in which eight of the districts are regarded as safely Republican, while the other — the second district — may reasonably be expected to return a Democratic Representative to Congress.

In the new redistricting plan three of the districts — numbers six, eight, and nine — retain the boundaries of former districts, while the new seventh district is altered only by the addition of Adams, Taylor, Page, and Fremont counties. In other districts more extensive territorial changes were made. The final measure passed the House by a vote of 60 to 48, with every member of the House present and voting. It passed the Senate by a vote of 36 to 8, with 6 members absent or not voting.⁸

Under the primary election laws, candidates for office in any subdivision of a county, including the office of party committeeman, are required to file nomination papers signed by ten qualified voters and also to file an affidavit relative to residence, party affiliation, and the office sought.

⁸ *Acts of the Forty-fourth General Assembly*, Ch. 16.

The law formerly provided that if these papers were properly signed and filed with the county auditor twenty days prior to the date of the primary election the candidate would be entitled to have his name printed on the official primary ballot. This law has now been amended to provide for the filing of these papers thirty days prior to the date of election.⁹

Section 655-a17 of the *Code of 1927*, dealing with the nomination of candidates by petition, was repealed and a substitute measure was enacted. The law now provides that candidates for State offices may be nominated by filing nomination papers signed by not less than one thousand qualified voters. For county offices and offices in districts or other divisions not less than a county, such papers shall be signed by at least two per cent of the qualified voters residing in the county, district, or division, as shown by the total vote of all candidates for Governor at the last preceding general election in such territorial area. For township, city, town, or ward offices the nomination papers shall be signed by not less than twenty-five qualified voters residing within the designated area.¹⁰

STATE OFFICERS

In accordance with a new law passed by the Forty-fourth General Assembly the Board of Education and the Board of Control are now required to have their books and all receipts and expenditures audited annually by an expert firm of accountants selected by the Executive Council. A certified copy of the report of these accountants shall be filed with the State Board of Audit. A sum sufficient to pay for these examinations was appropriated.¹¹

The Forty-third General Assembly assigned to the Ad-

⁹ *Acts of the Forty-fourth General Assembly*, Ch. 18.

¹⁰ *Acts of the Forty-fourth General Assembly*, Ch. 19.

¹¹ *Acts of the Forty-fourth General Assembly*, Ch. 11.

jutant General the duty of keeping a permanent registry of all soldiers' graves in Iowa. No specific fund was appropriated, however, for this purpose. The Forty-fourth General Assembly amended this law to provide for an annual appropriation of \$3000 for each year of the biennium to carry forward this work.¹²

The State Treasurer is authorized to employ such clerical and other help as may be needed to carry on the work of the gasoline license tax department, and to pay such help from the gasoline tax fund. This measure was amended by the Forty-fourth General Assembly to provide that "the cost of postage, equipment, supplies and printing used by the department" shall also be paid by the Treasurer from this fund.¹³

The State Board of Conservation is authorized, upon the approval of the Executive Council, to lease property under its jurisdiction, if it deems this advisable. Prior to 1931 leases of this nature could be made for periods of not to exceed one year. In accordance with an amendment to this law such leases may now be made for five years or less.¹⁴

In accordance with a new provision of the law, the Superintendent of the Iowa Juvenile Home is authorized to execute, in the name of any minor who is an inmate in the home, an assignment of any bond issued by the government of the United States and registered in the name of such inmate. For the purpose of executing such assignment the Superintendent shall be deemed the legal guardian of such inmate. All funds coming into the hands of the Superintendent by reason of assignments thus made shall be turned over to the Board of Control to be held in trust for the respective children.¹⁵

¹² *Acts of the Forty-fourth General Assembly*, Ch. 13.

¹³ *Acts of the Forty-fourth General Assembly*, Ch. 125.

¹⁴ *Acts of the Forty-fourth General Assembly*, Ch. 40.

¹⁵ *Acts of the Forty-fourth General Assembly*, Ch. 246.

In order that the State of Iowa may be properly and officially represented in the exhibit at the Century Progress Exposition at Chicago in 1933, the Executive Council has been designated as the Century Progress Exposition Commission. It is authorized to appoint such officers or employees as may be needed to plan and carry forward the work of the exhibit. This measure carries with it an appropriation of \$25,000, or so much of it as may be needed for the exhibit. The Treasurer of State is designated as treasurer of the Commission, and is to have charge of the funds.¹⁶

In order to obtain land for capitol extension purposes the Forty-fourth General Assembly authorized the Executive Council to purchase certain designated lots near the capitol building. An appropriation of \$10,000 was made for the purchase of these lots and an additional \$15,000 for improvements on the premises purchased.¹⁷ The building on the land purchased now houses the Railroad Commission.

Section 3786 of the *Code of 1927* provides that the Board of Parole shall, except in certain designated cases, have power to parole persons convicted of crime and committed to the penitentiary or to the men's or women's reformatory. This law has now been amended by adding the provision that parole may be to a place outside the State when the Board shall determine it to be for the best interest of the State and the prisoner. Such parole shall be under rules and regulations made by the Board.¹⁸

Prior to 1931 the law provided that the Governor could not grant a pardon to a person who had been convicted of a felony, until the matter had been submitted to the Board of Parole for its advice. The Forty-fourth General Assembly

¹⁶ *Acts of the Forty-fourth General Assembly*, Ch. 249.

¹⁷ *Acts of the Forty-fourth General Assembly*, Ch. 250.

¹⁸ *Acts of the Forty-fourth General Assembly*, Ch. 76.

amended this law so as to make it applicable to the commutation of sentences as well as to pardons. Provision is made, however, that the Governor may commute a death sentence to imprisonment for life without presenting the question to the Board of Parole.¹⁹

The Board of Control is authorized to prepare from time to time lists of articles manufactured at State institutions and to designate the price to be charged for the articles listed. These lists shall be sent to State, county, municipal, and school officials and no article so listed, except in cases of emergency, shall be purchased from private parties by such officials unless the Board of Control is unable to furnish such articles promptly. This law was amended by adding the provision that any public officer who wilfully refuses or wilfully neglects to comply with this law shall be punished by a fine of not more than one hundred dollars.²⁰

A measure relative to the protection of State-owned property from destruction by fire, introduced by the Representative from Johnson County, provides that the Board of Education or the Board of Control may enter into contracts with the governing body of any municipality for the protection from fire of any property under the control of such boards located within the municipality or in territory contiguous thereto.²¹

The *Code of 1927* provided for the appointment of a State Apiarist who should work in connection with, and under the supervision of, the Director of Agricultural Extension and the Professor of Entomology of the State College of Agriculture and Mechanic Arts. In accordance with a recent amendment this officer is under the supervision of the Director of Agricultural Extension alone.²²

¹⁹ *Acts of the Forty-fourth General Assembly*, Ch. 77.

²⁰ *Acts of the Forty-fourth General Assembly*, Ch. 75.

²¹ *Acts of the Forty-fourth General Assembly*, Ch. 69.

²² *Acts of the Forty-fourth General Assembly*, Ch. 83.

The law relative to admission to the Soldiers' Home at Marshalltown was amended by the Forty-fourth General Assembly. The revised law provides that a person who has been enlisted in the military or naval service and served in Iowa military organizations, or who was a resident of Iowa when he enlisted as a member of the Northern Border Brigade is entitled to admission to the home. A person who has served in the military organization of another State but has lived in Iowa for two years next preceding the date of his application for admission shall likewise be admitted. The wife of a soldier coming within this classification may also be admitted, provided they have been married for a period of ten years or more.²³

The law provides for a governmental inspection of scales used in weighing commodities offered for sale. An inspection fee is charged the person owning or operating the scales. The schedule of charges fixed by law was changed by the Forty-fourth General Assembly. The law now provides that the fee for inspecting scales with a capacity of one thousand pounds or more, not including railroad track scales, shall be three dollars each. For inspecting railroad track scales the fee shall be ten dollars, and for inspecting hopper or automatic scales the fee shall be three dollars.²⁴

Under the provisions of the *Code of 1927* the State psychopathic hospital was "connected with the college of medicine". Provision was also made for a transfer of patients from the general hospital to the psychopathic hospital, and from the psychopathic to the general hospital. Funds received from private patients should be paid into the State treasury, until such time as one hundred patients or more were being treated. The Forty-fourth General Assembly passed a law providing that the psychopathic hospital be

²³ *Acts of the Forty-fourth General Assembly*, Ch. 70.

²⁴ *Acts of the Forty-fourth General Assembly*, Ch. 68.

“integrated with the college of medicine and hospital of the State University”. Sections of the Code relative to making transfers from one hospital to another were repealed, and provision was made that all moneys collected from private patients at the psychopathic hospital “shall be used for the support of the said hospital”.²⁵

LAWS AND PUBLICATIONS

Laws passed by the General Assembly, unless otherwise designated, become effective on July 4th following their passage. Laws of immediate need may, however, become effective upon publication. Prior to 1931 the money paid for the publication of these laws, unless it was otherwise specified in the law, was paid from State funds, but no definite appropriation was made for this purpose. This law was amended by adding the provision that funds sufficient for this purpose be paid “from any money in the state treasury not otherwise appropriated”.²⁶

The Code provides that session laws shall be published in volumes of a standard size, type, and binding. The law was amended by the Forty-fourth General Assembly by adding the provision that the acts of the General Assembly shall, as nearly as possible, be arranged in the published volume in the same consecutive order in which the same or similar subject matters are arranged in the Code.²⁷

Prior to 1931, bills suggested by the Code Editor were referred to the Code Revision Committee, irrespective of the contents of the bill, although other committees frequently had under consideration bills dealing with similar matters. In order that all matters of a similar character be referred to the same committee, the Forty-fourth General Assembly amended Section 157 of the Code to provide that

²⁵ *Acts of the Forty-fourth General Assembly*, Ch. 81.

²⁶ *Acts of the Forty-fourth General Assembly*, Ch. 1.

²⁷ *Acts of the Forty-fourth General Assembly*, Ch. 5.

bills introduced by the Code Editor be referred "to appropriate committees".²⁸

The Code provides that the Superintendent of Printing shall make free distribution of the Codes and session laws to various public institutions and officers. This measure has now been amended by adding the provision that the Library of Congress shall receive seven copies of each, and that one copy be given to the library of the Iowa State College of Agriculture and Mechanic Arts and to each of the nine designated Federal offices, departments, or libraries.²⁹

The Superintendent of Printing is also authorized to distribute gratuitously to interested persons copies of the early Codes and session laws. The law relative to this matter was amended to include among the publications to be thus distributed the *Code of 1927* and the session laws of the Forty-first and previous sessions of the General Assembly.³⁰

The *Code of 1927* provided that a volume of annotations to the Code should be published immediately following the publication of the Code and every "four" years thereafter. This section was amended by the Forty-fourth General Assembly to provide for an annotation after the publication of the *Code of 1931* and every "two" years thereafter.³¹

Another amendment provides that supplements to the book of annotations shall be sold for one dollar each, instead of fifty cents which was the price stipulated by the former law.³²

State Supreme Court reports are distributed by the Superintendent of Printing to certain designated State and Federal offices, departments, and libraries. A recent

²⁸ *Acts of the Forty-fourth General Assembly*, Ch. 4.

²⁹ *Acts of the Forty-fourth General Assembly*, Ch. 6.

³⁰ *Acts of the Forty-fourth General Assembly*, Ch. 7.

³¹ *Acts of the Forty-fourth General Assembly*, Ch. 3.

³² *Acts of the Forty-fourth General Assembly*, Ch. 9.

amendment to the law relative to this distribution provides that the Governor shall receive one copy, the Attorney General two copies, and the Supreme Court Reporter three copies. Ten copies shall be placed in the Supreme Court consultation room.³³

COURTS AND COURT PROCEDURE

In accordance with an amendment to the law adopted in 1931 the Chief Justice of the Supreme Court now serves for a term of six months instead of one year as was provided under the former law. This measure provides that of the elected Justices whose terms of office first expire, "the senior in time of service shall be chief justice for six months and so on in rotation until all such judges shall have been chief justice". At the May term of court and at the last term each year the Supreme Court shall determine and enter upon record the member who, under this law, shall be Chief Justice for the next ensuing six months' period.³⁴

The Supreme Court has appellate jurisdiction over all judgments and decisions of all courts of record, except as otherwise provided by law. In addition to this, appeals may be taken to the Supreme Court from certain orders designated by law. An amendment to this law provides that an appeal may be taken from an order "which grants or refuses, continues or modifies, a provisional remedy; grants or refuses, dissolves or refuses to dissolve, an injunction or attachment; grants or refuses a new trial; sustains or overrules a demurrer in a law action; or sustains or overrules a motion to dismiss in an equitable action."³⁵

Prior to 1931 when an appeal was taken to the Supreme Court, notice of such appeal was served upon the clerk of the district court. A measure passed by the Forty-fourth

³³ *Acts of the Forty-fourth General Assembly*, Ch. 8.

³⁴ *Acts of the Forty-fourth General Assembly*, Ch. 234.

³⁵ *Acts of the Forty-fourth General Assembly*, Ch. 235.

General Assembly eliminates the necessity of service upon the clerk and requires only a filing with the clerk.³⁶

A new law was passed by the Forty-fourth General Assembly relative to a taxpayer's right to challenge the legality or constitutionality of a constitutional amendment. This law provides that whenever an amendment has been proposed and passed by two successive sessions of the General Assembly, any taxpayer may file a suit in equity in the district court at the seat of government challenging the constitutionality of such amendment. This court shall have jurisdiction in the matter and may grant a writ of injunction enjoining the Governor and the Secretary of State from submitting the amendment to a vote if the amendment or the procedure connected therewith is found to be invalid or unconstitutional. An immediate appeal to the Supreme Court is contemplated. Several sections of the Code dealing with forms of action and court procedure were amended so as to make them conform to this law.³⁷

The State of Iowa is divided into twenty-one judicial districts—the number of judges varying in the different districts. Prior to 1931 the twenty-first district had but two judges. The law now provides that it shall have three judges. The additional judge thus provided for is appointed by the Governor to serve until December, 1932, and until his successor is elected and qualified.³⁸

An amendment now permits a judge of the district court who is authorized to sign orders in vacation to do so outside his judicial district, if it is done within the State.³⁹

Section 10905 of the *Code of 1927* dealing with correcting illegalities in original jury lists was repealed and a substitute section enacted. The new law provides that if the

³⁶ *Acts of the Forty-fourth General Assembly*, Ch. 236.

³⁷ *Acts of the Forty-fourth General Assembly*, Ch. 223.

³⁸ *Acts of the Forty-fourth General Assembly*, Ch. 215.

³⁹ *Acts of the Forty-fourth General Assembly*, Ch. 225.

court shall determine that there has been a substantial failure to comply with the law relative to the selection of jury lists, that lawful grand or petit jurors or talesmen can not be drawn, or that the jury list is insufficient, the court shall order the appointive jury commission, or ex officio jury commission as the case may be, to convene at the courthouse to prepare such lists as are needed.⁴⁰

The legal rights of women at common law were very much restricted. These rights, in the matter of recovery of damages in case of personal injury, were extended by the Iowa law in Sections 10462–10464 of the Code. In order to remove any common law disabilities or restrictions the Forty-fourth General Assembly passed a measure which provides that in any “action for damages because of the wrongful or negligent injury or death of a woman, there shall be no disabilities or restrictions, and recovery may be had on account thereof in the same manner as in cases of damage because of the wrongful or negligent injury or death of a man.”⁴¹

Section 10930 of the *Code of 1927* sets forth the causes which shall be grounds for the revocation or suspension of license to practice law. In accordance with an amendment to this law, soliciting legal business for himself or his office by an attorney or his representative is made grounds for a revocation or suspension of license. It is provided, however, that this shall not prevent or prohibit listing in directories, law lists, or similar publications, or the publication of professional cards in such publications.⁴²

The court costs incident to disbarment proceedings and the reasonable expense of judges in attending the hearing, after being approved by the Supreme Court, shall, in ac-

⁴⁰ *Acts of the Forty-fourth General Assembly*, Ch. 216.

⁴¹ *Acts of the Forty-fourth General Assembly*, Ch. 214.

⁴² *Acts of the Forty-fourth General Assembly*, Ch. 217.

cordance with a recent amendment, be paid "as court costs by the executive council".⁴³

A law carried forward into the *Code of 1927* provided that no action based upon any claim arising prior to January 1, 1915, should be maintained to recover any interest in real estate, against the holder of the title in possession, when such holder or his grantees are shown to have held the title since 1915, unless the claimant shall within one year after July 4, 1925, file in the office of the recorder of deeds of the county where the real estate is situated, a statement setting forth the facts upon which the claim is based. According to an amendment introduced in the Forty-fourth General Assembly, the law now applies to cases arising prior to 1920 and claims must be filed prior to July 4, 1932.⁴⁴

The law relative to the contents of an original notice in a legal action was made more explicit by the Forty-fourth General Assembly. The new law provides that the notice shall state the "term, and the date when and place where" the court will convene.⁴⁵

In certain civil suits, service may be made by publication, when an affidavit is filed that personal service can not be made on the defendant within this State. Prior to 1931 this law was applicable in an action for a divorce if the defendant were a non-resident of the State or his residence were unknown. A recent amendment made this law applicable also in an action "for a change or for modification of a decree of divorce".⁴⁶

When the recording of any instrument in the office of any public officer is authorized by law, the record of such instrument, or a duly authenticated copy thereof, is competent

⁴³ *Acts of the Forty-fourth General Assembly*, Ch. 218.

⁴⁴ *Acts of the Forty-fourth General Assembly*, Ch. 219.

⁴⁵ *Acts of the Forty-fourth General Assembly*, Ch. 222.

⁴⁶ *Acts of the Forty-fourth General Assembly*, Ch. 224.

evidence whenever the original is shown to be lost, or not in the possession of the party wishing to use it.

In such a case, it is no objection to the record that no official seal is appended to the recorded acknowledgment, if, when the acknowledgment purports to have been taken by an officer having an official seal, the record shows, by a scroll or otherwise, that there was such a seal, which will be presumptive evidence that it was attached to the original certificate. Prior to 1931 this was the rule also if there were a statement in the certificate of acknowledgment that the same was made under the hand and seal of the office. This latter provision has now been repealed.⁴⁷

Prior to 1931 the Iowa law did not contain a specific provision that jurors in a civil action shall be sworn to try the issue, although there were inferences to that effect. To make the law specific, the Forty-fourth General Assembly passed a measure requiring such oath, and setting forth substantially the form to be used.⁴⁸

A new provision of the law provides that the district court shall allow and fix from time to time the compensation of guardians, trustees, and receivers, and their attorneys. The amount thus fixed shall be based upon an itemized claim or report made and filed, setting forth the character and extent of the work performed.

In no case shall the compensation of an executor, administrator, guardian, trustee, receiver, or their attorneys be paid until an affidavit has been filed with the clerk of the district court stating that there is no contract or agreement whereby such fees or compensation is to be divided with any other party. If, however, two or more parties are serving jointly in a fiduciary capacity the compensation may be divided, but this fact shall appear in the affidavit.⁴⁹

⁴⁷ *Acts of the Forty-fourth General Assembly*, Ch. 226.

⁴⁸ *Acts of the Forty-fourth General Assembly*, Ch. 227.

⁴⁹ *Acts of the Forty-fourth General Assembly*, Ch. 229.

The Forty-third General Assembly in 1929 passed a measure dealing with guardianship of veterans. In accordance with this law every guardian who shall receive on account of his ward any moneys from the United States Veterans' Bureau shall file annually with the district court, in addition to other reports, a true and accurate account under oath of all moneys so received and expended and the balance on hand. Formerly this report was to be made by the guardian "on the anniversary date of the appointment". This provision of the law has now been repealed.⁵⁰

A recent addition to the law relative to partition procedure provides that when it appears in the petition for partition that a person not in being has an interest, vested or contingent, as a co-tenant of the land sought to be divided, the court shall have jurisdiction over the interest of such person and shall appoint a suitable person to act for him in the proceedings.⁵¹

Section 12554 of the *Code of 1927* dealing with the disposition of fines and forfeitures was repealed by the Forty-fourth General Assembly and a substitute section was enacted. The new law provides that all "fines and forfeitures, after deducting therefrom court costs and fees of collection, if any, and not otherwise disposed of, shall go into the treasury of the county where the same are collected for the benefit of the school fund."⁵²

Section 12088 of the *Code of 1927* provides that in all cases before an attachment can be issued, the plaintiff must file with the clerk of the court a bond for the use of the defendant, with sureties to be approved by the court, in a penalty at least double the value of the property to be attached. This law was amended by the Forty-fourth General Assembly to provide, however, that "in any case where

⁵⁰ *Acts of the Forty-fourth General Assembly*, Ch. 233.

⁵¹ *Acts of the Forty-fourth General Assembly*, Ch. 231.

⁵² *Acts of the Forty-fourth General Assembly*, Ch. 232.

only real estate is sought to be attached, the plaintiff shall file such bond in a penalty to be fixed by the court or the clerk, and in such cases, the clerk shall issue a writ thereunder and shall direct therein that real property only shall be attached.”⁵³

In accordance with a new law, motions for a new trial or in arrest of judgment in criminal causes may now be disposed of in vacation at any place within the judicial district with the same force and effect as though done in term time. This disposition shall include the imposition of sentence and the rendition of final judgment.⁵⁴

APPROPRIATIONS

It would be impossible to discuss in detail the appropriations of the Forty-fourth General Assembly, but the following table presents the large items. More specific information may be secured by consulting the chapters cited.

APPROPRIATIONS BY THE FORTY-FOURTH GENERAL ASSEMBLY			
FOR THE MAINTENANCE OF STATE GOVERNMENT AND STATE OFFICERS			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
257	Department of the Adjutant General	\$221,825.00	Each year of biennium
257	Department of Agriculture	477,900.00	Each year of biennium
257	Board of Assessment and Review	84,920.00	Each year of biennium
257	Board of Audit	4,200.00	Each year of biennium
257	Auditor of State	29,400.00	Each year of biennium
257	Commission for the Blind	12,000.00	Each year of biennium

⁵³ *Acts of the Forty-fourth General Assembly*, Ch. 230.

⁵⁴ *Acts of the Forty-fourth General Assembly*, Ch. 242.

CHAPTER	FOR WHAT	AMOUNT	PERIOD
257	Director of the Budget	23,250.00	Each year of biennium
257	Board of Conservation	120,000.00	Each year of biennium
257	Board of Control	135,700.00	Each year of biennium
257	Custodian	60,330.00	Each year of biennium
257	District Court Judges	374,000.00	Each year of biennium
257	Board of Education, salaries and expenses	56,512.00	Each year of biennium
257	Executive Council, State purposes	242,630.00	Each year of biennium
257	State Fair Board	53,000.00	Each year of biennium
257	Agricultural Societies	155,000.00	Each year of biennium
257	Fire Marshal	17,300.00	Each year of biennium
257	Geological Survey	9,300.00	Each year of biennium
257	Office of Governor	20,150.00	Each year of biennium
257	Department of Health	95,950.00	Each year of biennium
257	Historical Department	47,735.00	Each year of biennium
257	State Historical Society	36,000.00	Each year of biennium
257	Industrial Commission	30,550.00	Each year of biennium
257	Department of Insurance	57,325.00	Each year of biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
257	Department of Justice	109,950.00	Each year of biennium
257	Bureau of Labor	22,400.00	Each year of biennium
257	Library Commission	24,020.00	Each year of biennium
257	State Library	53,220.00	Each year of biennium
257	Board of Mine Examiners	1,500.00	Each year of biennium
257	Mine Inspectors	18,460.00	Each year of biennium
257	Board of Parole	33,500.00	Each year of biennium
257	Pharmacy Examiners	12,300.00	Each year of biennium
257	State Printing Board, salaries	16,725.00	Each year of biennium
257	State Printing Board, State purposes	142,020.00	Each year of biennium
257	Superintendent of Public Instruction, salaries	36,320.00	Each year of biennium
257	Superintendent of Public Instruction, State aid	484,950.00	Each year of biennium
257	Board of Railroad Commissioners	83,515.00	Each year of biennium
257	Secretary of State	65,400.00	Each year of biennium
257	Clerk of the Supreme Court	10,900.00	Each year of biennium
257	Supreme Court	86,500.00	Each year of biennium
257	Reporter of the Supreme Court and Code Editor	14,350.00	Each year of biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
257	Treasurer of State	99,445.00	Each year of biennium
257	Commission on Uniform Laws	500.00	Each year of biennium
257	Board of Vocational Education	39,286.45	Each year of biennium
257	General Contingent Fund	20,000.00	Each year of biennium
257	Expenses of members of General Assembly	Amount necessary	
262	Rental of typewriters for use of General Assembly	\$10.00 and \$12.00 each Amount necessary	
262	Chaplains' fees for Forty-fourth General Assembly	\$5.00 each Amount necessary	
262	Miscellaneous expenses of General Assembly	60,357.30	Lump sum
262	Per diem compensation under Senate Joint Resolution No. 4 for clerks after adjournment	Amount necessary	
FOR SUPPORT AND MAINTENANCE OF STATE INSTITUTIONS			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
257	State Hospital and Colony for Epileptics and Feeble-minded at Woodward	\$745,760.00	Biennium
257	Institution for Feeble-minded Children at Glenwood	823,278.00	Biennium
257	State Hospital for Insane at Cherokee	891,050.00	Biennium
257	State Hospital for Insane at Clarinda	781,890.00	Biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
257	State Hospital for Insane at Independence	744,860.00	Biennium
257	State Hospital for Insane at Mount Pleasant	853,664.00	Biennium
257	State Juvenile Home at Toledo	226,750.00	Biennium
257	State Penitentiary at Fort Madison	937,750.00	Biennium
257	Men's Reformatory at Anamosa	842,820.00	Biennium
257	Women's Reformatory at Rockwell City	116,900.00	Biennium
257	State Sanitarium for Tuberculosis at Oakdale	523,660.00	Biennium
257	Iowa Soldiers' Home at Marshalltown	488,580.00	Biennium
257	Iowa Soldiers' Orphans' Home at Davenport	379,320.00	Biennium
257	Training School for Boys at Eldora	382,780.00	Biennium
257	Training School for Girls at Mitchellville	192,678.00	Biennium
257	State University of Iowa	4,900,000.00	Biennium
257	Iowa State College of Agriculture and Mechanic Arts	4,865,900.00	Biennium
257	Iowa State Teachers' College	1,467,000.00	Biennium
257	Iowa School for the Deaf	467,300.00	Biennium
257	Iowa School for the Blind	254,500.00	Biennium
257	Psychopathic Hospital at Iowa City	216,000.00	Biennium
257	Bacteriological Laboratory	29,100.00	Biennium
TO SATISFY CLAIMS			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
257	Relief of Frederic M. Hull	\$360.00	Each year of biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
257	Relief of Marjorie Ball, personal injuries	200.00	Each year of biennium
269	Reimbursement of Johnson County	892.50	Lump sum
270	Montgomery County Farmers' Institute	75.00	Lump sum
270	Lyon County Farmers' Institute	75.00	Lump sum
270	Atlantic Community Corn Show	75.00	Lump sum
270	Johnson County Poultry Show	86.10	Lump sum
271	Refund of taxes to Tama County	88.91	Lump sum
271	Refund of taxes to Greene County	18,319.25	Lump sum
271	Refund of taxes to Story County	6,823.63	Lump sum
272	Refund of taxes to Winnebago County	63.98	Lump sum
272	Refund of taxes to Hancock County	630.27	Lump sum
272	Refund of taxes to Emmet County	1,378.96	Lump sum
272	Refund of taxes to Louisa County	2,134.12	Lump sum
272	Refund of taxes to Muscatine County	5,424.02	Lump sum
273	Refund of interest to West Branch	263.75	Lump sum
274	Mrs. K. E. Anderson, services rendered	35.50	Lump sum
275	L. J. Baschnagel, personal injuries	599.00	Lump sum
276	G. C. Bell, personal injuries	195.00	Lump sum
276	A. L. McClintock, personal injuries	290.00	Lump sum
276	Harley Cowman, personal injuries	100.00	Lump sum
276	D. F. Brownlee, personal injuries	5.00	Lump sum
277	Matilda Blaise, rental	2,307.50	Lump sum
278	George Brown	1,000.00	Lump sum
279	Brown and Cook, damage to property	65.00	Lump sum

CHAPTER	FOR WHAT	AMOUNT	PERIOD
279	Harry Yoss, damage to property	139.00	Lump sum
280	H. D. Coe, services rendered	375.00	Lump sum
281	Joseph Roy Collins, personal injuries	126.07	Lump sum
282	W. F. Dollen and Sons, damages	500.00	Lump sum
283	Howard Downing, trapper's license	10.00	Lump sum
283	Gilbert Downing, trapper's license	10.00	Lump sum
283	Oliver Downing, trapper's license	10.00	Lump sum
283	Gifford Handke, trapper's license	10.00	Lump sum
283	A. L. Wise, trapper's license	10.00	Lump sum
284	J. O. Gilchrist, for injury to daughter	32.00	Lump sum
285	Harold Grimes, for injury to automobile	120.00	Lump sum
285	E. W. Cook, for injury to automobile	36.10	Lump sum
285	Ward N. Rowland, for injury to automobile	45.00	Lump sum
285	Dorothy Zein, for injury to automobile	45.00	Lump sum
286	Hamiel and Mather, attorney fees	273.25	Lump sum
286	Edwin B. Wilson, attorney fees	252.85	Lump sum
287	H. H. C. Equipment Corporation, tax refund	697.45	Lump sum
287	Johnson Oil Refining Company, tax refund	181.30	Lump sum
288	M. L. Haley, refund of license fee	30.00	Lump sum
289	Ruth Harper, personal injuries	1,000.00	Lump sum
289	Martha Nichols, personal injuries	2,340.00	Lump sum
289	Robert Honegger, personal injuries	112.36	Lump sum

CHAPTER	FOR WHAT	AMOUNT	PERIOD
289	A. E. McGlothlen, personal injuries	53.00	Lump sum
290	Fred Hill, personal injuries	378.00	Lump sum
290	J. C. Eller, attorney fees	150.00	Lump sum
290	Mrs. Victoria Hill, personal injuries	309.00	Lump sum
290	Laura E. Hill, personal injuries	1,013.00	Lump sum
291	William Hirsch, personal injuries	425.00	Lump sum
291	Fred Heldenmier, personal injuries	250.00	Lump sum
292	Earl E. Hunt, damages to property	80.00	Lump sum
293	Independence Corrugated Culvert Co., for materials furnished	214.56	Lump sum
294	Iowa Bridge Company, damages for delay	361.64	Lump sum
294	Olson Construction Company, damages	1,500.00	Lump sum
295	C. A. Knutson, administrator, damages	397.05	Lump sum
296	C. H. Lambach, legal services	75.00	Lump sum
297	Thomas Logan, damage done by snow plow	17.10	Lump sum
297	Dale Taylor, damage done by snow plow	3.35	Lump sum
297	Mrs. James Shada, damage done by snow plow	3.25	Lump sum
297	E. R. Bartz, damages done by snow plow	9.25	Lump sum
297	Union Prairie Church, damages done by snow plow	22.30	Lump sum
297	P. A. Clemmer, damages done by snow plow	3.00	Lump sum
297	Fink Brothers, damage done by snow plow	6.00	Lump sum

CHAPTER	FOR WHAT	AMOUNT	PERIOD
297	William Ross, damages done by snow plow	1.10	Lump sum
298	Verna P. Marks, personal injuries	2,000.00	Lump sum
299	C. C. Mayhew, personal injuries	656.00	Lump sum
299	F. A. Moore, personal injuries	494.25	Lump sum
300	Martin McCarthy	360.00	Each year of biennium
301	Gilbert Merritt, personal injuries	1,000.00	Lump sum
302	Metz Construction Company, legal expenses incurred	259.15	Lump sum
303	J. G. Minert, damages to automobile	300.00	Lump sum
303	Etta S. Minert and Phyllis S. Dav- enport, executrices, damages	2,000.00	Lump sum
304	Emmet L. Morris, for services ren- dered	132.00	Lump sum
304	A. L. Wood, for services rendered	21.54	Lump sum
304	A. L. Sharp, for services rendered	150.00	Lump sum
305	Delpha Nelson, for injury at Uni- versity hospital	2,000.00	Lump sum
306	William E. Quinn, personal injuries	653.00	Lump sum
307	Elmer Ruisch, personal injuries	189.00	Lump sum
308	Laura E. Sellers, real estate contract	100.00	Lump sum
309	W. E. Sharp and others, total sundry amounts	746.96	Lump sum
310	H. A. Stearns, payment for bond	12.50	Lump sum
311	Paul J. Tissler, injury at Iowa State College	239.06	Lump sum
312	George F. Van Note, injury of wife	3,575.00	Lump sum
313	A. D. Willard, damage to automobile	500.00	Lump sum
314	Van L. Woodruff, soldier's bonus	350.00	Lump sum

FOR MISCELLANEOUS PURPOSES			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
257	Grand Army of the Republic	\$750.00	Each year of biennium
257	Pioneer Law Makers	75.00	Each year of biennium
257	Presidential Electors	150.00	Each year of biennium
257	Medical and surgical treatment of indigents at the University Hospital	2,000,000.00	Biennium
257	Soldiers' tuition	20,000.00	Biennium
257	Insurance Examiners (18)	\$17.50 and \$15.00 per diem and expenses	Amount necessary
257	County and Municipal Examiners	\$7.00 per diem	Amount necessary
257	Fish and Game Department	19,100.00	Each year of biennium
257	Fish and Game Deputy Wardens	\$5.00 per diem	Amount necessary
257	Treasurer of State, Gas Tax Division	12,320.00	Each year of biennium
257	Banking Department	83,100.00	Each year of biennium
257	Board of Engineering Examiners	600.00	Each year of biennium
257	Railroad Commissioner	26,600.00	Each year of biennium
257	Educational Examiners	7,400.00	Each year of biennium
257	Motor Vehicle Department	47,940.00	Each year of biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
258	Expenses of Governor's Inauguration	500.00	Lump sum
259	Capitol Repair	20,100.00	Lump sum
260	Expenses of District Court Judges	20,000.00	Lump sum
261	Investigation of State University	19,413.02	Lump sum
263	Eradication of corn borer	50,000.00	Biennium
264	Expenses of blind students	1,000.00	Biennium
265	Hall-Fabritz election contest	496.76	Lump sum
266	Hattendorf-Ditto election contest	405.71	Lump sum
267	Hatter-Gallagher election contest	447.80	Lump sum
268	Maneor-Berry election contest	430.47	Lump sum

TAXATION

The Forty-third General Assembly provided for a committee of six members to study the tax problems and formulate proposed legislation to provide State revenue in place of the direct property tax. This committee consisted of Senators C. F. Clark, Chas. L. Rigby, and Geo. W. Patterson, and Representatives Harry M. Greene, J. H. Johnson, and Marion R. McCaulley. It made a report to the Governor in December, 1930, and early in the legislative session introduced two major tax bills and other minor measures. The first measure provided for the appointment of a county assessor and a rewriting of the law relative to the listing and assessment of property. The second measure provided for a State income tax. Both of these measures were introduced in both the Senate and the House. The county assessor bill passed the Senate but met opposition in the House. The income tax bill passed the House but met opposition in the Senate. The Senate then combined the two measures and passed them in this form. The House, however, objected to this combination and defeated

the Senate bill. Thus the assessor bill twice passed the Senate — once as a separate bill and once as a joint measure — and each time was defeated in the House. The income tax bill, oddly enough, passed both houses without becoming a law. The first time it passed the House as a separate measure, and in the second instance it passed the Senate as a joint measure. Later in the session an attempt was made to join the income tax bill to the millage levy bill but this too failed, and the General Assembly adjourned without the passage of either of the major tax bills.⁵⁵

One of the rather significant tax measures passed by the Forty-fourth General Assembly, and one which has given rise to much comment, was the "Elliott Bill", introduced by Representative Frank W. Elliott of Davenport. This measure provides that in the years 1931 and 1932 the taxing bodies in all taxing districts in the State shall, after computing the tax rate as provided in Section 7170 of the Code, "reduce all of the said rates so that the total funds raised by taxation shall be five per cent (5%) less than that raised by the 1930 levy". Provision is made, however, that this act shall not affect or include mandatory levies or payments, the amounts of which are fixed by statute, or taxes levied for the payment of interest or principal of bonds or creating a sinking fund for the retirement of bonds issued prior to the passage of this act. In any school district in which the tax levied in 1930 for the general school fund was at least 5 per cent less than the amount that might have been levied, the tax levied in 1931 and 1932 may equal, but

⁵⁵ *Report of Joint Legislative Committee on Taxation, 1930; House File, Forty-fourth General Assembly, Nos. 1 and 2; Senate File, Forty-fourth General Assembly, Nos. 1 and 2; The Daily Iowan (Magazine Section), May 3, 1931.* A feature of the history of these two bills was the work of four conference committees, but all attempts at compromise failed. A motion by Senator H. B. Carroll that the conference committee be instructed to separate the income tax and county assessor bills was voted down by the Senate 22 to 28.— *Senate Journal, 1931, pp. 1401, 1410, 1652.*

shall not exceed the same percentage of the amount which might legally be levied during each of these years.

This measure also provides that any taxing district may, on showing of emergency or good cause made to the State Budget Director and on securing his approval, be exempt from the provisions of this act, provided that such exemption shall apply only to the year designated.⁵⁶

During the calendar year 1925 the State inheritance tax collected amounted to about \$1,196,000. The inheritance tax division of the office of Treasurer of State estimated that by a revision of the law this sum could be increased to \$2,250,000, and a measure was introduced in the Forty-fourth General Assembly to revise this law, especially with regard to exemptions allowed and rates established.

Prior to 1931 the Iowa inheritance tax exemption to the surviving spouse was one-third of the estate plus \$15,000. This was considered as reasonable in the case of a small estate but unreasonable in cases of large estates. Accordingly, the Joint Legislative Committee on Taxation recommended an exemption of \$25,000 to a surviving wife and \$15,000 to a surviving husband. This was finally amended to allow an exemption of \$40,000 to either surviving husband or wife, \$10,000 to a father or mother, \$15,000 to a son or daughter, and \$5,000 to any other lineal descendant.

The rate of tax for direct heirs prior to 1931 was one per cent on amounts in excess of \$15,000 and less than \$30,000, with a rate increasing to seven per cent on sums in excess of \$300,000. This rate was changed to one per cent for the first \$10,000 with a more rapid increase in rates until a maximum rate of eight per cent on sums exceeding \$300,000 was reached. Similar changes were made in the rates in case of property passing to more distant heirs.⁵⁷

⁵⁶ *Acts of the Forty-fourth General Assembly*, Ch. 244.

⁵⁷ *Report of Joint Legislative Committee on Taxation*, 1930, pp. 60, 62; *Acts of the Forty-fourth General Assembly*, Ch. 185.

The most extensive tax measure passed by the Forty-third General Assembly in 1929 was one which established a State Board of Assessment and Review. By virtue of this act all of the powers and duties regarding taxation which were formerly vested in the Executive Council of the State were transferred to this Board. In addition to the duties transferred, Section 17 of the bill, consisting of fifteen subsections, set forth other powers and duties of the Board. A measure passed by the Forty-fourth General Assembly made a number of amendments and additions to Section 17 of the original bill. It set forth in greater detail the duties and powers of the Board of Assessment and Review and added other duties which were formerly not within its jurisdiction. This amendment also made the law applicable to cities acting under special charter.⁵⁸

Two sections of the *Code of 1927* and an act of the Forty-third General Assembly were amended to clarify the law relative to the deduction of real estate of banks for purposes of taxation and prohibiting certain offsets.

Section 7002 of the Code now provides that in arriving at the amount of capital stock and surplus and undivided profits of banks, taxable as such, "the amount of their capital stock together with any or all of their surplus and undivided profits that may be actually invested in real estate owned by them and in the shares of stock of corporations owning only the real estate on or in which the bank or trust company is located, shall be deducted from the total amount of capital stock and surplus and undivided profits, and such real estate shall be assessed as other real estate, and the property of such corporation shall not be otherwise assessed".

Section 7003 of the Code was amended by the Forty-third General Assembly and further amended by the Forty-

⁵⁸ *Acts of the Forty-fourth General Assembly*, Ch. 206.

fourth General Assembly. This section now provides that the capital stock of banks, after the deduction of the value of real estate, shall be taxed on the same basis as real estate, and all surplus and undivided profits of a bank or trust company remaining after the deduction of its real estate, shall be taxed as moneys and credits, "but in no event shall the right to offset bad debts or bad loans or any other losses against the amount of said surplus or undivided profits be authorized."⁵⁹

Section 7012 of the *Code of 1927*, relating to the taxation of corporations not classified as banks, provided that in deducting the value of real estate from the actual value of the properties, shares, or capital stock of any person, firm, association, or corporation the actual value at which the real estate is valued by the assessor shall be the value thereof. This section of the law has now been repealed.⁶⁰

In accordance with a new provision of the law, when the county treasurer makes an entry of taxes on the tax list, or an entry of the correction of a tax, he shall immediately enter the year, month, day, hour, and minute when the entry was made.

Moreover, when the clerk of the district court enters a lien, or indexes an action affecting real estate, he shall immediately enter the year, month, day, hour, and minute when the entry was made.⁶¹

An amendment introduced at this session provides the form of distress warrants which shall be issued by the county treasurer for the collection of delinquent personal taxes. These warrants are issued to the sheriff, constable, or tax collector and authorize a sale of personal property for the payment of taxes.⁶²

⁵⁹ *Acts of the Forty-fourth General Assembly*, Ch. 176.

⁶⁰ *Acts of the Forty-fourth General Assembly*, Ch. 177.

⁶¹ *Acts of the Forty-fourth General Assembly*, Ch. 181.

⁶² *Acts of the Forty-fourth General Assembly*, Ch. 183.

Another law of the Forty-fourth General Assembly provides for distributing to the district school funds the money realized from the tax on moneys and credits. Amendments were introduced to this bill to provide for the replacement of the general property tax by the amount estimated for the moneys and credits tax share assigned to each taxing subdistrict.

One of the amendments offered provided that the county auditor shall, in computing the tax rate for any taxing district, deduct from the total budget requirements certified by any such district "all of the tax to be derived" from moneys and credits. Another amendment provided that the auditor shall deduct "eighty (80) per cent of the tax collected and distributed to such district for the preceding year". It appears that it was the intent of the legislature that the latter provision should become the law, but an error was made in enrolling the bill and both provisions were placed in the enrolled bill. Because of this error and the resulting conflict, the Attorney General has rendered an opinion holding this law to be wholly inoperative. It is, however, included in the volume of statute laws.⁶³

Section 5385 of the *Code of 1927* provides that the board of supervisors of any county may levy a tax of not to exceed one-half mill on the dollar, to create a fund for the relief of, and to pay the funeral expenses of indigent soldiers. An amendment to this law provides that this tax may be increased from one-half mill to one mill if the board deems such increase advisable.⁶⁴

Certain cities are authorized to levy, in addition to other taxes, a one mill assessment for acquiring or improving lands for park purposes. Likewise, under certain specified conditions, cities may levy a one mill tax for the improvement of lakes or lands surrounding lakes. The Forty-

⁶³ *Acts of the Forty-fourth General Assembly*, Ch. 182.

⁶⁴ *Acts of the Forty-fourth General Assembly*, Ch. 140.

fourth General Assembly passed two measures providing that these levies might be continued until 1949.⁶⁵

The Committee on Taxation in the House of Representatives introduced a measure which resulted in two slight amendments to the law relative to the taxing of personal property. Prior to 1931 sheep and swine over "six" months of age were taxable. The law now requires that they be "nine" months old before they are taxed. The law with regard to securities formerly provided that "accounts bearing interest" be taxed. The law has now been changed by striking out the words "accounts bearing interest" and inserting the words "bills receivable". Accordingly, bills receivable are now taxable and accounts bearing interest are not.⁶⁶

Each ice, grain, or coal dealer is assessed upon the average amount of capital used by him in conducting his business during the year. In estimating the amount of capital, consideration is given to the increase and decrease of values. The law relative to this subject was amended by the Forty-fourth General Assembly by adding the provision that such assessments "shall be listed as personal property". Moreover, "in determining the average amount of capital invested the assessor shall take into consideration the entire year's business prior to January 1st, next preceding the assessment period".⁶⁷

The *Code of 1927* provided that shares of stock issued by a building and loan association be classified as moneys and credits for purposes of taxation, and that they be assessed and taxed to the individual holders at their place of residence. These provisions of the law were repealed by the Forty-fourth General Assembly and provision was

⁶⁵ *Acts of the Fortieth General Assembly*, Chs. 119, 121; *Acts of the Forty-fourth General Assembly*, Chs. 247, 248.

⁶⁶ *Acts of the Forty-fourth General Assembly*, Ch. 172.

⁶⁷ *Acts of the Forty-fourth General Assembly*, Ch. 173.

made that such shares of stock be assessed "against each association at its principal place of business". The law provides that each association shall furnish to the assessor a sworn statement showing the amount to the credit of the shareholders at the close of each year, and a penalty is prescribed for a failure to furnish such statement. The real estate, furniture, and fixtures of the association are assessed and taxed to the association in the same manner as if owned by individuals.⁶⁸

The law relative to the assessment of public utilities was amended in several particulars by the Forty-fourth General Assembly. Several sections of the Code were changed to provide for the assessment of pipe lines, and to place the assessment of public utilities directly under the State Board of Assessment and Review. In addition to this, the amended law provides that every individual or corporation, operating for profit any waterworks, gas works, pipe lines, electric light or power plant, or electric railway, shall annually on or before the fifteenth of January, make a report to the State Board of Assessment and Review of all property owned by such person or corporation within the limits of any city or town, and give such other information as the Board may require.

Upon the basis of this data the Board shall determine the valuation of the property and certify to the county auditor the valuation thus fixed. Any person may ask for a review of his assessment, and provision is made for appeals from the decision of the State Board to the district court. Where an appeal is taken the court may increase, decrease, or affirm the amount of the assessment appealed from.⁶⁹

A measure consisting of thirteen sections was passed by the Forty-fourth General Assembly relative to the assess-

⁶⁸ *Acts of the Forty-fourth General Assembly*, Ch. 178.

⁶⁹ *Acts of the Forty-fourth General Assembly*, Ch. 174.

ment of pipe line properties. This law provides that every person, association, or corporation engaged in the business of transporting gas, gasoline, oils, or motor fuel by means of pipe lines, whether such pipe lines are owned or leased, shall be taxed. Every company having pipe lines within the State of Iowa shall annually make out and deliver to the State Board of Assessment and Review a verified statement giving detailed information relative to the company. The State Board shall have power to prescribe rules and regulations for the keeping of accounts and the making of reports. If a company fails or refuses to comply with these rules the board may assess the property according to the best information obtainable and add twenty-five per cent as a penalty for non-compliance.

The State Board of Assessment and Review shall, on or before the third Monday in August of each year, determine the value of pipe lines located in each taxing district and transmit to each county auditor a statement showing the assessed valuation in each taxing district of the county. The property shall then be taxed as other real property.⁷⁰

The law with regard to the taxing of moneys and credits provides that in making up the amount of moneys or credits a person is required to list, he will be entitled to deduct from the actual value thereof the gross amount of all debts in good faith owing by him. This provision of the law was amended by the Forty-fourth General Assembly by adding the provision that no person "shall be entitled to any deduction from the amount of moneys and credits assessed unless, he shall, upon demand, specifically state the nature of such indebtedness and the person to whom he is indebted and any other information the assessor may require."⁷¹

No person is allowed to sell cigarettes or cigarette papers until he has been granted a permit. And no such permit is

⁷⁰ *Acts of the Forty-fourth General Assembly*, Ch. 179.

⁷¹ *Acts of the Forty-fourth General Assembly*, Ch. 175.

issued until the applicant has paid a mullet tax of from fifty to one hundred dollars, depending upon the size of city in which the permit is issued. Permits expire on the first of July. If they are obtained during certain designated months of the year only one-half or three-fourths of the full annual tax is charged. This law has been amended to provide that an unrevoked permit may be surrendered and a percentage of the tax refunded. The amount refunded varies from one-fourth to three-fourths of the amount paid, depending upon the time when the surrender is made.⁷²

Section 7145 of the *Code of 1927* provides that the county auditor shall transcribe the assessments of the several townships into a book, to be known as the tax list, and deliver this to the county treasurer. Section 7193 of the Code provides that the treasurer shall add to the tax list data relative to delinquent taxes. A measure was passed by the Forty-third General Assembly providing that these two sections shall not apply to special assessments.

Instead, the law now requires the county auditor to list special assessments in books to be known as special assessment tax lists, which shall be delivered to the county treasurer. The treasurer shall enter upon this list any real estate upon which special assessments have not been paid.⁷³

Whenever a person, by reason of age or infirmity, is unable to contribute to the public revenue such person may petition that taxes assessed against him be suspended. The board of supervisors may thereupon order the county treasurer to suspend such taxes. This law was amended by the Forty-fourth General Assembly by adding the provision that the county auditor shall keep in his office a book which shall be known as the "suspended tax list" and in which he shall keep data relative to suspended taxes. This

⁷² *Acts of the Forty-fourth General Assembly*, Ch. 25.

⁷³ *Acts of the Forty-fourth General Assembly*, Ch. 184.

data shall include a governmental or platted description of the land on which the tax was levied, the name of the owner, the amount and current year of the tax, and the date of the order suspending collection. The book shall be prepared and ruled in a specific manner. Data concerning taxes already suspended shall be entered prior to January 1, 1932. If taxes entered in this book be subsequently paid, cancelled, or remitted, an entry to this effect shall be made.⁷⁴

A measure passed at this session provides that an inspection fee and excise tax of five cents be imposed and levied upon each pound of oleomargarine sold or offered for sale within the State. Provision was made for the preparation, sale, use, and cancellation of stamps to be placed on each package of oleomargarine, and also for the return of spoiled or unused stamps. The Secretary of Agriculture is directed by this law to formulate rules and regulations relative to the handling of oleomargarine, and a penalty is imposed for a violation of such rules and regulations.⁷⁵

This measure did not carry with it an appropriation for the administration of the law, and another measure was introduced appropriating "a sum sufficient" to enforce its provisions.⁷⁶

COUNTY AND TOWNSHIP GOVERNMENT

In 1929 the Forty-third General Assembly passed a measure adopting a county budget system. The law was stated in general terms but applied only to counties with a population in excess of 125,000. As Polk County is the only county with so large a population the law was in fact applicable only in that county. The Forty-fourth General Assembly struck out the population restriction thus making the law applicable to all counties of the State.

⁷⁴ *Acts of the Forty-fourth General Assembly*, Ch. 171.

⁷⁵ *Acts of the Forty-fourth General Assembly*, Ch. 63.

⁷⁶ *Acts of the Forty-fourth General Assembly*, Ch. 64.

Under this law each county officer in charge of any office or department shall, on or before December 31st of each year, prepare and submit to the county board of supervisors estimates of proposed expenditures for the following year. The board shall, not later than January 31st of each year, appropriate such amounts as shall be deemed necessary for the maintenance of the various departments for the current year. The board may also appropriate a contingent fund to be spent for purposes which can not be anticipated at the beginning of the year, but this contingent fund together with other appropriations may not exceed the anticipated revenues. If the actual receipts added to any county fund are larger than were anticipated, supplementary appropriations may be made, if it can be shown that a specific need exists. In case any officer has exceeded or finds it necessary to exceed the amount of the appropriation in any particular account, the board of supervisors may authorize a transfer of funds from one or more of the appropriation accounts of said office. Transfers from one office or department to another are also authorized under certain conditions, provided that the funds transferred are derived from the same tax fund, and that the transfer does not violate existing statutes.⁷⁷

In accordance with a measure introduced by Senator Lafe Hill the sheriff of each county may, with the coöperation of the State Bureau of Investigation, hold a conference and school of instruction annually for all peace officers within his county.⁷⁸

The *Code of 1927* provided a stipulated salary for the county sheriffs — the amount of salary depending upon the population of the county. In addition to his salary each

⁷⁷ *Acts of the Forty-third General Assembly*, Ch. 136; *Acts of the Forty-fourth General Assembly*, Ch. 146.

⁷⁸ *Acts of the Forty-fourth General Assembly*, Ch. 132. Senator Hill had introduced a similar bill in 1929.

sheriff was allowed certain fees for the boarding and care of prisoners in the county jail. This law, in so far as it applies to counties having a population in excess of 80,000, was amended by the Forty-fourth General Assembly.

The law now provides that supplies, including provisions, utensils, gas, fuel, electricity, and water, used at the jail in caring for these prisoners shall be furnished by the county board of supervisors. A necessary number of cooks and assistants may be employed to aid in caring for these prisoners, and some of the more trusty prisoners may themselves be assigned to work in this connection. Persons regularly employed in this work shall be paid by the county. The work of the sheriff in caring for the prisoners is to be performed without compensation other than his salary.

The fee system in caring for prisoners having been abolished, the stipulated annual salary of the sheriff in the counties affected was materially increased. In counties with a population of 80,000 and less than 125,000 the salary is now fixed at \$3500, and in counties having a population of over 125,000 a salary of \$5000 is paid. This law does not take effect, however, until January 1, 1933.⁷⁹

The law relative to the salary of county attorneys was likewise amended by the Forty-fourth General Assembly. Prior to 1931 attorneys were given an annual salary based upon the population of the county, and in addition they were allowed to collect and retain certain fees. In counties having a population of over 60,000 an increased annual salary is now provided and all fees collected by the attorney are to be paid to the county for the use of the court expense fund. Under the new law the salary in counties having a population of 60,000 and less than 80,000 shall be \$3500. In counties of 80,000 and less than 100,000 the salary shall be \$4000, and in counties of 100,000 or over it shall be

⁷⁹ *Acts of the Forty-fourth General Assembly*, Ch. 133

\$5000. This law, like the one relative to the salary of sheriffs, does not take effect until January 1, 1933.⁸⁰

The *Code of 1927* provides that each deputy sheriff shall give a bond as a security for the faithful performance of his duty. This law has been amended to provide that such security shall be "either a bond or liability policy as may be required by the sheriff with the approval of the board of supervisors".⁸¹

The *Code of 1927* provides that the board of supervisors shall not erect a courthouse, jail, or county home at a probable cost in excess of ten thousand dollars nor any other building, except as otherwise provided, if the probable cost is \$5000 or more, without first submitting the question to a vote of the people. Moreover, the board must submit to the voters the question of borrowing money for the erection of any public building. In accordance with an amendment passed by the Forty-fourth General Assembly these provisions of the law are made to apply not only to the "erection" of public buildings, but also to the building of additions or to extensions to, or the remodeling or reconstruction of, such buildings.⁸²

The county board of supervisors is authorized by law to order the county auditor to destroy all duplicate tax receipts and hunting license applications which have been on file for more than five years. In order to relieve congestion in county offices the Forty-fourth General Assembly authorized a further destruction of old records. The new law provided that "all assessors' books, assessment rolls, county vouchers and cancelled county warrants which have been on file in the office of the county auditor for more than ten years" may be destroyed.⁸³

⁸⁰ *Acts of the Forty-fourth General Assembly*, Ch. 134.

⁸¹ *Acts of the Forty-fourth General Assembly*, Ch. 135.

⁸² *Acts of the Forty-fourth General Assembly*, Ch. 137.

⁸³ *Acts of the Forty-fourth General Assembly*, Ch. 131.

The board of county hospital trustees of any county is authorized to purchase, condemn, or lease a site for a public hospital, to provide and equip suitable buildings, and to have general supervision and care of such institution. In accordance with an amendment passed by the Forty-fourth General Assembly it is now authorized to submit to the voters a proposition to sell or lease any sites and buildings, and upon an approval by a majority of the voters, it may sell such property and use the proceeds for the retirement of outstanding bonds on such property or for further permanent improvements as the board may determine.⁸⁴

The law relative to the office of county coroner was amended and certain new duties were added to the office. Undertakers are required to report suspicious deaths directly to the coroner. The compensation of the coroner for the investigation of such death is to be paid by the county, which may in turn collect the same from the estate of the deceased. Provision is also made for a deputy coroner.⁸⁵

A person may acquire a legal settlement or residence in any county in this State by residing therein for a period of one year without being warned to depart. A recent amendment to this law provides, however, that "any person who is an inmate of a private charitable institution not supported by public funds in any county in this state shall not acquire a settlement or a residence in said county for any purpose".⁸⁶

The Forty-fourth General Assembly established a rate of seven cents a mile to be paid county officers and employees for distances traveled by them in discharge of their duties. Several sections of the Code were amended to make this rate apply to members of the board of supervisors, the county superintendent, the coroner, and the county engi-

⁸⁴ *Acts of the Forty-fourth General Assembly*, Ch. 139.

⁸⁵ *Acts of the Forty-fourth General Assembly*, Ch. 47.

⁸⁶ *Acts of the Forty-fourth General Assembly*, Ch. 138.

neer. Under this law no officer or employee, except sheriffs or their deputies, shall be paid in excess of seven cents a mile for the use of his automobile. Moreover, no person shall be allowed mileage when he is gratuitously transported by another, or when he is transported by an officer or employee who is entitled to mileage or transportation expenses.⁸⁷

Section 5557 of the *Code of 1927* provided that any person elected to a township office and refusing to qualify and serve should forfeit the sum of five dollars, which should be paid into the school fund of the county. No person was required, however, to serve in such office for more than one term. This entire section was repealed.⁸⁸

When there are funds in the hands of any township clerk which have been raised in accordance with the law and are not needed for the purpose for which they were intended, they may be transferred to another fund. Prior to 1931 such money was transferred to the township road fund. An amendment to this law provides for the transfer of such money pro rata to the school fund of the district or districts in which the funds were raised.⁸⁹

Licenses are issued by township trustees for the operation of any dance hall, skating rink, club house, roadhouse, or amusement park outside the limits of any city or town. Prior to 1931 the fees received from such licenses were payable to the township road fund. In accordance with an amendment adopted by the Forty-fourth General Assembly these fees are now paid into the general fund of the county.⁹⁰

To restrict the borrowing power and indebtedness of local governmental units the Forty-fourth General Assem-

⁸⁷ *Acts of the Forty-fourth General Assembly*, Ch. 12.

⁸⁸ *Acts of the Forty-fourth General Assembly*, Ch. 141.

⁸⁹ *Acts of the Forty-fourth General Assembly*, Ch. 142.

⁹⁰ *Acts of the Forty-fourth General Assembly*, Ch. 143.

bly passed a restrictive measure relative to the issuance of bonds. This measure provides that when a proposition to authorize the issuance of bonds by a county, township, school district, city, or town, is submitted to the electors, it shall not be deemed carried or adopted unless at least sixty per cent of the votes cast are in favor of it.⁹¹

MUNICIPAL LEGISLATION

During any regular session of the General Assembly a considerable number of measures are passed relative to cities and towns. The Forty-fourth General Assembly passed some twenty-six laws dealing directly or indirectly with municipal affairs.

Chapter 162 of the *Acts of the Forty-third General Assembly* repealed two sections of the Code relative to the election of city and town officials, and enacted substitute sections. The law as amended, however, was not clear, and the House Judiciary Committee of the Forty-fourth General Assembly introduced a measure to clarify this law. The amendment adopted provides that in all cities and towns the mayor, treasurer, and assessor, and in cities of the first class, where there is no municipal or superior court, the police judge shall be elected by the entire electorate. In all cities and towns the council shall appoint a clerk and may appoint a city solicitor, a city engineer, and an auditor. Provision is made, however, that in cities having a population of 40,000 or over and not organized as commission cities or cities under the manager plan by popular vote, the council "may provide by ordinance for the election, by the entire electorate, of the city auditor, solicitor, or engineer". The council of such cities may, if it so decides, appoint a police judge if there is no municipal or superior court.⁹² This last section of the law applies at

⁹¹ *Acts of the Forty-fourth General Assembly*, Ch. 21.

⁹² *Acts of the Forty-fourth General Assembly*, Ch. 144.

present to only two Iowa cities — Waterloo and Council Bluffs.

Section 5694 of the *Code of 1927* provided that except in cases specifically excluded, the civil service law should apply to all officers and employees in commission governed cities with a population of 100,000 or more. This law applied only to Des Moines. In all other cities the law was made applicable only to members of the police and fire departments, and even in these departments it did not apply to the chief of police, the chief of the fire department in cities under the manager plan, matrons, clerks, secretaries, stenographers, and janitors.

This law was amended by the Forty-fourth General Assembly to provide that in "cities under the manager plan having a population of thirty thousand (30,000) or more, a chief of police who has served continuously in that position for ten years or more, shall be deemed entitled to the benefits and protection of this chapter, but nothing herein shall extend to such officer any civil service right upon which he may retain the position of chief." With regard to the chief of the fire department in cities under the manager plan the law still does not apply "unless such officer has been under civil service in said department prior to his appointment as chief."⁹³

Prior to 1931 civil service examinations were held annually by the civil service commission. In accordance with an amendment passed by the Forty-fourth General Assembly examinations in cities having a population of less than fifty thousand are now held only every two years.⁹⁴

The law provides that whenever public interest requires a diminution in the number of civil service employees the city council may make such reduction. The persons so discharged shall receive certificates showing the length of

⁹³ *Acts of the Forty-fourth General Assembly*, Ch. 145.

⁹⁴ *Acts of the Forty-fourth General Assembly*, Ch. 146.

their service and that they have been honorably discharged, and their names shall be carried for a period of three years on a preferred list and all appointments made during this period shall be made from this list. A recent addition to this section of the law provides that persons heretofore discharged under this law who have been reëmployed and are now rendering efficient service shall be reinstated as civil service employees and shall be deemed to have maintained their civil service status and all rights and benefits arising therefrom.⁹⁵

City councils are authorized to appoint a board of examiners to conduct examinations for applicants for a license to work as a master or journeyman plumber. The *Code of 1927* stipulated that these appointments be made "by ordinance". No other appointments by the city council are made by ordinance, and in order to provide for uniformity in this matter the words "by ordinance" were stricken from the law.⁹⁶

In accordance with a measure introduced by the House Committee on Cities and Towns a new law was passed creating a park board in cities having a population of 125,000 or more. This board is to consist of ten members, one of whom shall be a member of the city council and the other nine shall be appointed by the mayor from a list of persons nominated by the library board, the school board, and the city planning commission. Members shall serve for a term of six years and shall not receive any compensation.

It shall be the duty of this board to plan, supervise, and improve the city parks and cemeteries. It shall control the funds appropriated for park and cemetery purposes, and expend them pursuant to resolutions adopted by the board and in accordance with the city ordinances. This law although drawn in general terms is in fact applicable only to

⁹⁵ *Acts of the Forty-fourth General Assembly*, Ch. 147.

⁹⁶ *Acts of the Forty-fourth General Assembly*, Ch. 148.

the city of Des Moines as this is the only city in the State with a population of 125,000.⁹⁷

Cities of the first class operating under the general incorporation law, cities of the second class having a population in excess of seven thousand, and cities under the commission form of government with a population of less than twenty-five thousand may provide for a river front improvement commission. Formerly this commission elected its own secretary and treasurer. As now amended the law provides that the city treasurer shall handle these funds.⁹⁸

Section 5829-a12 of the *Code of 1927* provides that in cities having a city plan commission all plans and plats of subdivisions of land within the municipality or adjacent to it, laid out in lots or streets intended to be dedicated to the public, should first be submitted to the city plan commission, and its recommendation obtained before the plat is submitted to the city council for its approval. This law was amended by the Forty-fourth General Assembly so as to make this law applicable also to "all proposals for the vacation or partial vacation of a street, alley or public ground".⁹⁹

Cities having a population of not over forty thousand and towns may upon a petition of the voters levy each year a tax of two mills for the maintenance of a municipal band. In accordance with a recent amendment to this law cities having a population of over forty thousand, but less than one hundred and twenty-five thousand may now levy a tax of not to exceed one-half mill for this purpose.¹⁰⁰

Cities and towns have authority to lay out, extend, or improve streets, highways, alleys, public grounds, wharves, and market places within their limits. The Forty-fourth

⁹⁷ *Acts of the Forty-fourth General Assembly*, Ch. 149.

⁹⁸ *Acts of the Forty-fourth General Assembly*, Ch. 150.

⁹⁹ *Acts of the Forty-fourth General Assembly*, Ch. 151.

¹⁰⁰ *Acts of the Forty-fourth General Assembly*, Ch. 152.

General Assembly amended this law to specifically authorize also the establishment of parks and playgrounds.¹⁰¹

The Forty-third General Assembly in 1929 amended Sections 5975 and 5976 of the *Code of 1927* and authorized the use of shale for the improvement of streets. The change as made in Section 5976 was repealed by the Forty-fourth General Assembly and six other sections of the Code were amended making the law more explicit and authorizing a more extensive use of shale.¹⁰²

When any city having a board of waterworks trustees has ordered a street permanently improved the council shall notify the board of this action. The board shall then report to the council the lots and names of owners and the requirements in respect to water mains or pipes to the curb line of the property. Thereupon the council shall pass a resolution requiring the respective owners to make the necessary connections within a specified time. Prior to 1931 notices relative to this matter were published in two newspapers in the city — the first notice appearing at least twenty days prior to the time fixed in the resolution. This law has now been amended to provide that the notice shall be given by one publication in a newspaper at least ten days prior to the time fixed by the resolution.¹⁰³

Special assessments for street improvements may be paid in installments. Each installment and interest thereon becomes delinquent on the first day of March next after its maturity, and shall bear the same interest with the same penalties as ordinary taxes. The Forty-fourth General Assembly amended this law by adding to it the provision that when collected the interest and penalties shall be credited to the same fund as the special assessment.¹⁰⁴

¹⁰¹ *Acts of the Forty-fourth General Assembly*, Ch. 153.

¹⁰² *Acts of the Forty-fourth General Assembly*, Ch. 154.

¹⁰³ *Acts of the Forty-fourth General Assembly*, Ch. 155.

¹⁰⁴ *Acts of the Forty-fourth General Assembly*, Ch. 156.

Provision was made for a system of sewer rentals to be used in the construction, management, or maintenance of sanitary sewers, outlets, and pumping stations. Under the provisions of this law the city or town council of any city or town which has installed or is installing any of the sanitary utilities and has by ordinance established one or more sewer districts in compliance with the law may establish just and equitable rentals to be paid to the city or town for the use of such utility by the person or corporation whose premises are served by the utility.

These sewer rentals may supplant or replace, in whole or in part, millage levy taxes which may have been authorized by resolution of the council for the payment of interest or principal on bonds issued for the payment of the utilities. When such substitution or replacement has been made the millage levy ordinances may in whole or in part be repealed or rendered inactive.¹⁰⁵

The *Code of 1927* gives municipalities power to issue general liability bonds for the purpose of acquiring or establishing public utilities. This method frequently met the practical objection that a city or town can not issue a sufficient amount of bonds to finance a project because of the constitutional debt limit of five per cent on its taxable property. In order to provide an additional method of acquiring utilities the Forty-fourth General Assembly amended this law so that a city may now pay for any such plant, improvement, or extension out of the past or future earnings of the plant. It may also secure a contract for payment in this manner by pledging the property thus purchased and the net earnings of the same. Such a contract shall not constitute a general obligation on the city or be payable in any manner by taxation. This contract shall state the maximum rate to be charged for the product, in-

¹⁰⁵ *Acts of the Forty-fourth General Assembly*, Ch. 157.

cluding that used by the municipality, and also the rate of interest to be charged. Under no circumstances shall the city be in any manner liable by reason of the failure of the net earnings being sufficient for the payments provided in the contract.

Contracts for the purchase of utilities in accordance with this plan, as in other plans, must be submitted to a vote of the people, and before a contract for any improvement to cost \$5000 or more shall be let, notice must be given in due form.¹⁰⁶

Certain cities are authorized by law to elect a board of trustees which shall have the management and control of the municipal utility plants. In this connection a new section has recently been added to the Code which provides that in all cities having a population in excess of 25,000 and less than 75,000 which have no outstanding general city bonds issued for the purpose of purchasing utility plants or have a sinking fund sufficient to retire such general bonds as may be outstanding, the trustees may issue bonds to extend or improve any utility plant. These bonds shall be first mortgage bonds against the said utility, and not general bonds of the city. Bonds shall not be issued, however, for more than 25 per cent of the book value of the plant. They may not draw more than 5 per cent interest, may not be issued for a longer period than twenty years, and shall be retired serially in equal amounts beginning not later than the third year after issuance.¹⁰⁷

Section 6151-b1 of the *Code of 1927* provides that where waterworks, gas works, heating plants, or electric plants have been erected or purchased by a city or town, and the original purchase or improvement bonds have been paid, and there is no indebtedness against the utility, the city

¹⁰⁶ *Acts of the Forty-fourth General Assembly*, Ch. 158; *Municipal Government and Administration in Iowa*, Vol. II, p. 417.

¹⁰⁷ *Acts of the Forty-fourth General Assembly*, Ch. 159.

may with the approval of the Director of the Budget transfer any surplus earnings to other funds to be used for the purpose of retiring existing bonded indebtedness of the city which was payable by general taxation. This law was amended by the Forty-third General Assembly so that in certain cases transfers could be made without the approval of the Budget Director. The Forty-fourth General Assembly amended it further to provide that the provision for the transfer of funds should not apply to all surplus funds but only to those "in excess of the amount required for the retirement of all bonds and interest due in the current year and the succeeding year". It also provided that funds transferred might be used "for the purpose of making a municipal improvement authorized by law and ordered by the city council."¹⁰⁸

Any city with a population of over forty thousand and less than fifty thousand and having a board of waterworks trustees and a surplus earned from the operation of a municipal waterworks plant, may acquire property for use of the waterworks department. It may also use the surplus to erect additional building space, which until needed for waterworks purposes may be rented to and used by other city departments. The bill providing for this law was introduced by the Representatives from Pottawattamie County and the law apparently was intended for Council Bluffs.¹⁰⁹

In the operation of municipally owned waterworks the rates shall be fixed so as to produce a revenue sufficient to cover interest on the indebtedness, cost of operation, depreciation, and an additional sum for a sinking fund. The Forty-fourth General Assembly amended this law so as to provide that the rates shall, in addition to the above, be sufficient "to pay special assessments for street improve-

¹⁰⁸ *Acts of the Forty-fourth General Assembly*, Ch. 160.

¹⁰⁹ *Acts of the Forty-fourth General Assembly*, Ch. 161.

ments lawfully assessed against the waterworks property or any part thereof, and to pay for necessary extensions, improvements and additional lands in cases where bonds have not been issued therefor".¹¹⁰

Section 6211 of the *Code of 1927* authorizes cities and towns to levy a considerable number of special taxes. Among those authorized is a three mill tax levy for a library building fund. This fund may be used in the purchase, erection, or improvement of a library building, or in payment of interest on indebtedness incurred for that purpose, or to create a sinking fund to extinguish such indebtedness. In accordance with an amendment passed by the Forty-fourth General Assembly this money may now be used to pay rental for space leased for the establishment of a branch library in districts where a branch library building has not been acquired.¹¹¹

The same section of the Code, Section 6211, authorizes a three mill levy for a road grading fund. This law was amended to allow this fund to be used for the purpose of dragging the roads, streets, and alleys, as well as for opening, widening, extending, and grading them.¹¹²

No county auditor or recorder shall file or record any plat for the laying out into lots or blocks any land within the limits of a city of 25,000 population or more, or within a mile of such city limits, unless the plat has first been filed and approved by the city council and by the city plan commission in cities where such a committee exists. This law was amended by the Forty-fourth General Assembly by adding the provisions that for the information of the council and commission, the council may prescribe rules and regulations governing the form of the plats, and may re-

¹¹⁰ *Acts of the Forty-fourth General Assembly*, Ch. 162.

¹¹¹ *Acts of the Forty-fourth General Assembly*, Ch. 163.

¹¹² *Acts of the Forty-fourth General Assembly*, Ch. 164.

quire such additional data and information as seems necessary.

These plats shall be examined by the council and the commission to ascertain whether they conform to the statute and to the general plat of the city. If they conform, it shall be the duty of the council and the commission to endorse their approval upon the plat subject to the action of the owner in bringing the lots to the established grade and complying with the requirements relative to the installation of public utilities. The approval of the city council shall be deemed an acceptance of the land for public use, and owners and purchasers shall be deemed to have notice of the public plans, maps, and reports of the council and commission used in connection herewith.¹¹³

The Forty-third General Assembly in 1929 provided for a valuation committee to advise the city council in the matter of public improvements in any commission governed city with a population of 125,000 — Des Moines. This law set forth in considerable detail the procedure for initiating certain public improvements to be paid for by special assessments. Among other things it provided that assessments "shall draw interest from date of confirmation by the court". This provision of the law was repealed by the Forty-fourth General Assembly and provision was made that interest on special assessments "shall commence upon the final acceptance of the work by the city council."

This law was also amended with regard to advertising for bids for doing the work. The law as amended provides that "at the time the resolution of necessity is presented to the city council and the date for the hearing is determined, the council shall order the mayor and city clerk to advertise for bids for the improvements as set out in the resolution of necessity". These bids shall be received not later

¹¹³ *Acts of the Forty-fourth General Assembly*, Ch. 165.

than the date set for the hearing on the proposed improvement. Contracts for the improvement shall not be awarded until after the assessments therefor have been confirmed by the district court and a resolution ordering the work has been adopted.¹¹⁴

The *Code of 1927* provides that the city manager "shall manage all municipal water plants, lighting, heating, or power plants, and transportation enterprises". This law was amended to provide that "in any city having a population of twenty thousand or more and less than seventy-five thousand wherein the territory embraced within the boundaries of the city lies in two townships which are divided by a water course, and which city at the time of the adoption of the city manager plan is the owner of its waterworks, managed and operated by a board of waterworks trustees", such waterworks shall continue to be managed and controlled by the board of waterworks trustees. This measure was evidently designed to make it possible for the city of Waterloo to adopt the city manager plan and still retain its waterworks system under the management of the board of waterworks trustees.¹¹⁵

The Forty-third General Assembly in 1929 passed a law authorizing certain cities to acquire or construct interstate bridges within the limits of the city or within five miles of such limits, and designated the method of bond issue to pay for such construction. This law was amended by the Forty-fourth General Assembly, so as to make it applicable to special charter cities. The amendment providing for this change was evidently designed to apply to the city of Davenport.¹¹⁶

By action of the extra session of the Fortieth General Assembly in 1924 the power of cities and towns to issue

¹¹⁴ *Acts of the Forty-fourth General Assembly*, Ch. 166.

¹¹⁵ *Acts of the Forty-fourth General Assembly*, Ch. 167.

¹¹⁶ *Acts of the Forty-fourth General Assembly*, Ch. 168.

bonds or certificates in anticipation of the collection of taxes was amended to include taxes or other funds for the equipping of fire departments. Subsequently a question arose as to whether the law as amended was applicable to special charter cities. To clarify this matter the Forty-fourth General Assembly passed a measure specifying that this law shall apply to special charter cities. This measure was introduced by Senator D. W. Kimberly of Scott County.¹¹⁷

SCHOOL LEGISLATION

Fifteen measures were passed by the Forty-fourth General Assembly dealing directly with schools, while several other measures indirectly affected educational interests. In accordance with a measure introduced at this session the "County teachers' institute" as such will be discontinued, and the county superintendent shall arrange for "such professional teachers' meetings, demonstration teaching or other field work for the improvement of instruction as may best fit the needs of the public schools in his county". All arrangements for this improvement of instruction program shall be subject to the final approval by the Superintendent of Public Instruction.

Under the new plan one day only will be devoted to this program, all teachers of the county will be required to attend, and attendance will be certified by the county superintendent to the secretaries of the various school boards. The new law stipulates that the "school board of every school district shall allow its teachers to attend said meetings". Formerly the law was not applicable to teachers in city independent districts. The funds to be used for these meetings are the same as those formerly provided for county institutes, and itemized accounts of all expenditures are required.

¹¹⁷ *Acts of the Forty-fourth General Assembly*, Ch. 169.

The original measure providing for a rewriting of this law did not specifically repeal the former law on this subject. Accordingly after the amendment had been approved, the Sifting Committee of the House introduced a corrective measure repealing the former law.¹¹⁸

The county board of education consists of the county superintendent ex officio and six members elected by a convention of representatives of the school districts of the county. The elected members serve for six years — three of them being elected on the second Tuesday of May every third year. The law did not formerly specify the date on which their term of service begins. It now provides that the term of office shall begin on Tuesday following election, or on the third Tuesday of May.¹¹⁹

An independent school district may subdivide to form two or more districts, but such new districts shall not as a rule contain less than four government sections of land. If, however, a stream or other obstacle shall debar a number of children of school privileges, an independent district may be organized containing less territory. Moreover, if a new district shall include within its territory a town or village with not less than one hundred inhabitants, it may in like manner be made up of less territory, but in neither of these cases shall the new district contain less than two government sections of land, nor shall it be organized except on a majority vote of the electors of each proposed district.

To these provisions of the law, the Forty-fourth General Assembly added the further provision that if the independent district has included within it two cities, towns, or villages, regardless of area, which are separated by a navigable stream, a vote by the electors is not necessary, and an independent district may be organized upon a vote of

¹¹⁸ *Acts of the Forty-fourth General Assembly*, Chs. 84, 85.

¹¹⁹ *Acts of the Forty-fourth General Assembly*, Ch. 86.

two-thirds of the board of directors of the original independent district.¹²⁰

The Forty-third General Assembly in 1929 passed a law containing thirty-six sections which revised and recodified the school election laws. The purpose of this act was to clarify the law. Section 3 of this law was not made sufficiently clear, however, and a part of it was rewritten by the Forty-fourth General Assembly. This section deals with notice of elections, and the new revision provides that in subdistricts notice of election shall be posted by the subdirector in three public places within the subdistrict, one of which shall be on the front of the school building. If the subdirector fails to post the required notice not less than ten days next preceding the day of the election, or if there be no subdirector, then any other voter in the subdistrict may secure from the county superintendent the proper form for the required number of notices filled out in the manner provided by law, and such notices properly signed and posted within five days of the election, shall constitute due and legal notice of the election.¹²¹

A bill adopted by the Forty-fourth General Assembly served to clarify the law in regard to the non-employment of teachers in certain districts where school attendance is very light. The law provides that no contract shall be entered into with any teacher to teach a school when the average daily attendance during the last preceding term was less than five pupils, unless it appears that the number of children of school age has increased so that seven or more pupils will be enrolled during the ensuing term. In addition to this it is now provided that a teacher shall not be hired if it appears that the average daily attendance will be less than five or the enrollment less than six "regardless of the average daily attendance during the last preceding

¹²⁰ *Acts of the Forty-fourth General Assembly*, Ch. 87.

¹²¹ *Acts of the Forty-fourth General Assembly*, Ch. 88.

term". Provision is made, however, that if it is clearly inadvisable that such school be closed the county superintendent may consent to its maintenance or reopening for the next ensuing term.¹²²

The *Code of 1927* provides that each subdirector shall, between the first and the fifteenth of June each year, prepare a school census and by the twentieth of the month report the findings to the secretary of the school township. Upon the receipt of this report the secretary was required to make his annual report to the county superintendent giving the name, age, and sex of all children in the district between the ages of five and twenty-one. Three sections of the Code were amended by the Forty-fourth General Assembly in order to provide for a taking of the census "each even numbered year".¹²³

An amendment was adopted relative to the course of study in the common schools. It provides for the teaching of Iowa history in the grade schools. The Department of Public Instruction has recommended that this subject be placed in the sixth grade.¹²⁴

The Forty-second General Assembly authorized the establishment of junior colleges which may do either one or two years' work in advance of the regular high school course. To prevent the unwarranted springing up of these colleges in the smaller communities, the Forty-fourth General Assembly amended the law to provide that such colleges shall not hereafter be established in "any school district having a population of less than twenty thousand".¹²⁵

A child residing in one school corporation may attend school in another district in the same or adjoining county if

¹²² *Acts of the Forty-fourth General Assembly*, Ch. 90.

¹²³ *Acts of the Forty-fourth General Assembly*, Ch. 91.

¹²⁴ *Acts of the Forty-fourth General Assembly*, Ch. 92.

¹²⁵ *Acts of the Forty-fourth General Assembly*, Ch. 93.

the two boards so agree. In case no such agreement is made, the county superintendent of the county in which the child resides and the board of the adjoining corporation may consent to such attendance, if the child resides nearer a schoolhouse in the adjoining corporation and one and one-half miles or more from any public school in the corporation of his residence. To these provisions of the law the Forty-fourth General Assembly added the further stipulation that the county superintendent "may also consent to such attendance in case a child resides on a consolidated transportation route and more than two (2) miles from any public school of his residence". In case of a transfer in attendance in any of these cases the tuition of the child is to be paid by the school corporation of his residence.¹²⁶

Any person of school age, who is a resident of a school corporation which does not offer a four-year high school course and has completed the grade school work, may attend any other high school in the State which will receive him — the tuition to be paid by the resident school corporation. The Forty-third General Assembly in 1929 made a further provision that if the resident district or a portion thereof is severed from the rest of the State or from the district by a navigable stream, such pupil may attend high school in an adjoining State. The Forty-fourth General Assembly made the law more general in its application so that a pupil residing in a district which does not offer a high school course may now attend high school in an adjoining State, "if said school in the adjoining state be nearer to the pupil's residence than any approved public high school in the state of Iowa".¹²⁷

Two sections of the Code were rewritten by a bill relative to the schoolhouse fund, introduced by Senator Hill. Section

¹²⁶ *Acts of the Forty-fourth General Assembly*, Ch. 94.

¹²⁷ *Acts of the Forty-third General Assembly*, Ch. 106; *Acts of the Forty-fourth General Assembly*, Ch. 95.

4317 of the Code as revised now provides: "The money collected by a tax authorized by the electors or the proceeds of the sale of bonds authorized by law or the proceeds of a tax estimated and certified by the board for the purpose of paying interest and principal on lawful bonded indebtedness or for the purchase of sites as authorized by law, shall be called the schoolhouse fund and, except when authorized by the electors, may be used only for the purpose for which originally authorized or certified. All other moneys received for any other purpose shall be called the general fund." Further provision is made that the treasurer shall keep a separate account with each fund, paying no order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied. Section 4403 of the Code relative to the "bond tax" was also rewritten to make it specifically applicable to the schoolhouse fund.¹²⁸

The Forty-third General Assembly in 1929 amended Section 4345 of the Code relating to teachers' pensions. In this amendment certain clauses were misplaced and the section as rewritten was rendered meaningless. To clarify the meaning, this section was rewritten by the Forty-fourth General Assembly. The law now provides that any independent school district located in whole or in part within a city with a population of 25,100 or more may establish a pension and annuity retirement system for its public school teachers, provided that in cities having a population of less than 75,000 the system shall be ratified by a vote of the people at a general election. A further stipulation is made that any pension or retirement system heretofore established under a previous law which was repealed by the 1931 amendment shall be legal and valid, notwithstanding the irregularities of the law under which it was established.¹²⁹

¹²⁸ *Acts of the Forty-fourth General Assembly*, Ch. 96.

¹²⁹ *Acts of the Forty-fourth General Assembly*, Ch. 97.

The law relative to notice of school elections was amended and made more explicit. The law formerly stipulated that notice shall be given by publication once each week for four weeks in some newspaper published in the district, or if none, in some newspaper published in the county and of general circulation in the district, stating the date of the election, the hours of opening and closing the polls, the exact location of voting places, and the questions to be submitted. The recent amendment adds the further provision that this notice "shall be in lieu of any other notice, any other statute to the contrary notwithstanding".¹³⁰

When school lands are sold upon a partial credit basis, the law provides that the purchaser or his assigns may at any time pay the full amount for the land and interest and receive from the county auditor a certificate of purchase. The *Code of 1927* provided that this certificate shall be at once transmitted to the "state land office and will entitle the holder to a patent for the lands, to be issued by the Governor". The Forty-fourth General Assembly amended this last clause to provide that the certificate be transmitted to the Secretary of State, and that the patent be issued by the Secretary of State and the Governor.

When lands have been bid in by the county for the State under the foreclosure of school fund mortgages and the time for redemption has expired, a sheriff's deed shall be issued to the State for the benefit of the permanent school fund. An amendment to the section of the Code dealing with this subject provides that the county auditor shall file this deed for record in the office of the county recorder, who shall record it without fee and return it to the county auditor who shall then forward it to the Secretary of State. The Secretary of State, after recording it in his records, shall file it with the Auditor of State.¹³¹

¹³⁰ *Acts of the Forty-fourth General Assembly*, Ch. 98.

¹³¹ *Acts of the Forty-fourth General Assembly*, Ch. 99.

Three other measures passed by the Forty-fourth General Assembly repealed or amended sections of the Code dealing with various boards or departments of government, which indirectly affect schools or the teaching profession. Section 3833 of the *Code of 1927* provided for a teachers' employment bureau under the direction and supervision of the Superintendent of Public Instruction. The law providing for this bureau was repealed in 1931.¹³²

Section 3873 of the *Code of 1927* under the chapter dealing with the Board of Educational Examiners provided for teachers' examinations in each county on the last Friday, and the Wednesday and Thursday preceding, in the months of January, June, July, and October. This was amended to provide for examinations on the first Friday in August and the Wednesday and Thursday preceding, instead of in July. The next section of the Code, which formerly provided for special examinations during the latter part of August was repealed. The effect of the amendment is to eliminate the July examinations and place the August examinations earlier in the month than they were held under the former law.¹³³

In accordance with a measure introduced in 1931 the law relative to the subjects required for a first grade uniform county certificate has been changed. A candidate for such certificate must now show competency in and ability to teach reading, handwriting, spelling, arithmetic, geography, grammar, history of the United States, elementary civics including the constitution and government of the United States and of Iowa, elementary school music, physiology and hygiene, home economics or manual training, agriculture, rural school management, elementary algebra, elementary school methods, general science, and English composition.

¹³² *Acts of the Forty-fourth General Assembly*, Ch. 78.

¹³³ *Acts of the Forty-fourth General Assembly*, Ch. 79.

Applicants who have graduated from an approved four-year high school may submit college credits in lieu of examinations in elementary algebra, general science, English composition, rural school management, or elementary school methods.¹³⁴

SOCIAL LEGISLATION

One of the bills adopted at this session provides that the application for a marriage license must be in writing and must be made to the clerk of the district court. No license shall be issued until the fifth day after making the application for the license, unless the judge of the district court shall find that public policy requires that the marriage be solemnized without delay.¹³⁵

In order to relieve the unemployment situation and to give preference to Iowa-made products and Iowa labor, a measure was passed providing that every board, commission, or officer of the State, county, township, school district, city, or town shall give preference to Iowa labor in the construction of buildings. This law shall not apply, however, to the purchase of materials to be used in the construction of roads and highways. A penalty of \$100 or imprisonment in the county jail is fixed as a punishment for a violation of this act.¹³⁶

An amendment to the workmen's compensation law provides that if an employee is injured and dies, leaving a dependent child or children, and the surviving spouse remarries before the compensation is fully paid the unpaid portion "shall be paid to the proper compensation trustee for the use and benefit of such dependent child or children."¹³⁷

¹³⁴ *Acts of the Forty-fourth General Assembly*, Ch. 80.

¹³⁵ *Acts of the Forty-fourth General Assembly*, Ch. 213.

¹³⁶ *Acts of the Forty-fourth General Assembly*, Ch. 20.

¹³⁷ *Acts of the Forty-fourth General Assembly*, Ch. 22.

Another recent amendment to the Code provides that "in workmen's compensation cases either party upon written notice, may elect to take the deposition of a witness, who may live within one hundred miles of the place of hearing, if the testimony of such witness is desired to show the physical condition of the injured party or testimony relating to the cause of injury."¹³⁸

Admission to the Institution for Feeble-minded at Glenwood may be either voluntary or by court commitment. The *Code of 1927* provided that the Board of Control might return an inmate to the parent or guardian. Some question arose as to whether this rule applied to both classes. The Forty-fourth General Assembly authorized the Board to return an inmate "though committed by a court".¹³⁹

The judge designated as juvenile judge in each county, or if there be more than one such judge, then the judges so designated acting jointly, shall appoint probation officers. Prior to 1931 the law provided that one of the officers thus appointed shall be a woman. This law was so amended as to make this the rule only "if more than one is appointed".¹⁴⁰

Section 3641-b1 of the *Code of 1927* provided that in counties having a population of one hundred and forty thousand or more the board of supervisors may levy an annual tax of one mill for the aid of widowed mothers. As originally passed this measure applied only to Polk County. In 1929 this law was changed so as to make it applicable to all counties of eighty thousand population or more. The Forty-fourth General Assembly again amended the law making it applicable to all counties of sixty thousand or more.¹⁴¹

¹³⁸ *Acts of the Forty-fourth General Assembly*, Ch. 24.

¹³⁹ *Acts of the Forty-fourth General Assembly*, Ch. 71.

¹⁴⁰ *Acts of the Forty-fourth General Assembly*, Ch. 72.

¹⁴¹ *Acts of the Forty-fourth General Assembly*, Ch. 73.

The law provides that under certain conditions neglected, dependent, and delinquent children may be committed to a State institution for protection and care. The *Code of 1927* provided that such commitment should continue until the child attained the age of twenty-one "unless otherwise discharged by law". This latter clause was repealed by the Forty-fourth General Assembly and provision was made that "the board of control may release or discharge the child at any time after it has attained the age of eighteen (18) years if such action will, in the judgment of the board, be best for the child."¹⁴²

An amendment was adopted relative to the medical and surgical treatment of indigent persons. The amended law provides that expectant mothers may be cared for at the hospital at the State University as indigent persons, if neither they nor the persons legally chargeable for their support are able to pay for adequate medical and surgical treatment. Infants born at the hospital under these conditions are likewise given medical and surgical treatment at State expense.¹⁴³

FISH AND GAME

Rather unusual interest was shown by the Forty-fourth General Assembly in the protection of fish and game — ten measures having been passed dealing with this subject. The most comprehensive and far-reaching of these measures was one introduced by the House Committee on Fish and Game "to provide an adequate and flexible system for the propagation, protection, development, and use of forests, fish, game, fur-bearing animals, protected birds, lakes, streams, plant life, and other outdoor resources in the state of Iowa".

This measure, consisting of eighteen sections, repealed

¹⁴² *Acts of the Forty-fourth General Assembly*, Ch. 74; *Code of 1931*, Secs. 3637, 3649.

¹⁴³ *Acts of the Forty-fourth General Assembly*, Ch. 82.

the law relative to the appointment of the State Game Warden and established a Fish and Game Commission, and transferred the chief duties and authority of the Warden to the Commission. The Commission consists of five members appointed by the Governor with the consent of the Senate. They are to serve for four years and receive no compensation, but are allowed expense money. The law stipulates that the Commission shall organize by electing, from among its members, a chairman, a vice-chairman and a secretary, and shall hold regular meetings on the first Tuesday of January, April, July, and October of each year, and at such other times as seems necessary.

The Commission is authorized to expend such moneys as shall accrue to the Fish and Game Commission, and to acquire lands and waters for hunting, fishing, and trapping purposes, and for the establishment of fish hatcheries, game farms, and protected bird refuges. It may capture, propagate, buy, sell, or exchange any species of fish, game, or fur-bearing animals. It may temporarily regulate, shorten, or close seasons on any species of fish or game, and establish rules for hunting, fishing, or trapping.

The Commission shall select and employ a State Fish and Game Warden who shall have charge of all activities under the direction of the Commission. The Warden may employ not to exceed fifty persons to serve as Deputy State Fish and Game Wardens.¹⁴⁴

Chapter 57 of the *Acts of the Forty-third General Assembly* amended or repealed various sections of the *Code of 1927* dealing with fish and game.

Section 9 of this chapter provided that fees paid for fish and game licenses should be paid to the county recorder, and that at the end of each month the recorder should pay these fees to the State Treasurer who should place them to

¹⁴⁴ *Acts of the Forty-fourth General Assembly*, Ch. 26.

the credit of the fish and game protection fund. The Forty-fourth General Assembly amended this to provide that the county recorder shall retain five cents from each fee for the general fund of the county, and remit the balance at the end of each month to the State Treasurer, to be credited to the fish and game protection fund. Provision is made, however, that no county shall retain more than \$500 per year from such fees.¹⁴⁵

Section 16 of the same chapter was corrected by striking from line eight the word "chapter" and substituting in lieu thereof the word "section". This section was further amended by adding the provision that "No person shall use more than two trot-lines or throw-lines and no trot-line or throw-line shall contain more than fifteen (15) hooks. No person shall fish with trot-lines or throw-lines in any stocked lake nor within three hundred (300) feet of any dam or fishway."¹⁴⁶

The law of 1929 was amended by substituting the word "shall" for "may" in line 14 of Section 17. This change in the law makes it mandatory that the State Fish and Game Warden "shall" enter into written contract for taking by seine or net from the public waters of the State, buffalo, carp, quillback, dog fish, gizzard shad, and gar, but no other fish. The law as originally passed provided that such contracts should not be entered into until the Warden had advertised for bids once each week for two consecutive weeks in three newspapers in the State of Iowa, and in three newspapers of general circulation in each of the States of Minnesota, Wisconsin, and Illinois. This law was amended by the Forty-fourth General Assembly so that advertisements need not now be placed in newspapers outside of Iowa.¹⁴⁷

¹⁴⁵ *Acts of the Forty-fourth General Assembly*, Ch. 27.

¹⁴⁶ *Acts of the Forty-fourth General Assembly*, Ch. 28.

¹⁴⁷ *Acts of the Forty-fourth General Assembly*, Ch. 29.

Section 30 of the same chapter — Chapter 57 — provided that no person “shall carry a gun or any firearms, except a pistol or revolver, in or on a motor vehicle unless the same be unloaded in both barrels and magazine, and taken down or contained in a case.” This law has now been amended to provide that this stipulation “shall not apply, however, to peace officers while on duty.”¹⁴⁸

Chapter 58 of the *Acts of the Forty-third General Assembly* designated certain open seasons for the killing of fur-bearing animals. The Forty-fourth General Assembly amended Section 2 of this chapter by adding the provision that the State Fish and Game Warden may extend the open season in any county of the State on red foxes, for a period of thirty days longer than the time specified in the law, if petitioned therefor by more than one hundred residents of the county.¹⁴⁹

Section 4 of Chapter 58 of the *Acts of the Forty-third General Assembly* provided that every dealer or buyer of skins or hides of fur-bearing animals shall first obtain a license from the State Fish and Game Department and file a corporate surety bond for \$2000 conditioned upon a faithful observance of the law. The license fee was fixed at \$25. The Forty-fourth General Assembly modified this law by providing that the bond be reduced from \$2000 to \$500 and that cash might be deposited in lieu of the bond. The license fee to be charged was also reduced from \$25 to \$10.¹⁵⁰

The original measure as passed by the Forty-third General Assembly did not contain a definite statement of the date upon which licenses and certificates issued by the Fish and Game Department should expire. This omission was supplied by the Forty-fourth General Assembly by insert-

¹⁴⁸ *Acts of the Forty-fourth General Assembly*, Ch. 35.

¹⁴⁹ *Acts of the Forty-fourth General Assembly*, Ch. 32.

¹⁵⁰ *Acts of the Forty-fourth General Assembly*, Ch. 33.

ing the provision that they should expire "on the thirty-first of March following their issuance". It was also stipulated in the amendment that licenses and certificates which had already been issued should expire upon March 31, 1931, although the law itself did not go into effect until April 9, 1931.

A further amendment was added providing that any person violating the provision of this law as amended shall be guilty of a misdemeanor and shall be fined not less than ten dollars or more than one hundred dollars or be imprisoned in the county jail not more than thirty days, or both.¹⁵¹

Aside from the seven measures passed to amend acts passed by the Forty-third General Assembly concerning fish and game, two bills were passed to amend sections of the *Code of 1927* dealing with the subject. Section 1747 of the Code provides that it shall be lawful for any person to take from the Mississippi or Missouri rivers within the jurisdiction of the State any fish with net or seine, provided such person has procured a license to use nets and seines. The law prior to 1931 stated that before a license should be issued to a non-resident of the State he must file a bond in the sum of \$250 conditioned upon a faithful compliance with the law. No such bond was required of residents of Iowa. The law has now been amended to provide that in order to obtain this license a resident of this State must file a bond of \$250, and non-residents must furnish a bond of \$500.¹⁵²

Section 1748 of the *Code of 1927* was copied without change from the *Code of 1924* and provided that no license shall be issued for the use of any seine or net having less than two and one-half inch mesh, bar measure, provided that seines and nets which have been licensed prior to

¹⁵¹ *Acts of the Forty-fourth General Assembly*, Ch. 34.

¹⁵² *Acts of the Forty-fourth General Assembly*, Ch. 30.

March 1, 1924, might lawfully be used for two years. This obsolete provision has now been repealed. A substitute section provides that "a license may be issued for use in the Mississippi river of a seine or net having a mesh not less than three (3) inch stretch measure". Further provision is made that no license shall be issued for the use of a seine or net having less than a three inch mesh.¹⁵³

CONSERVATION

There has long been a belief among conservationists that Iowa should develop an extensive and long-continuing program for the conservation, maintenance, and development of its natural resources, for the preservation of its woodlands and scenic spots, and the protection of its wild life. In accordance with this view a joint resolution was introduced in the Forty-fourth General Assembly outlining a twenty-five year State-wide conservation program.

This measure as passed by the General Assembly provided that the State Board of Conservation should, within six months from the date of the passage of the resolution, enter into a contract with a park expert and regional planning engineer to provide, within two years, a comprehensive, budgeted, State-wide park, fish and game program. This plan, when approved by the State Board of Conservation and the Executive Council, shall constitute a definite and well-ordered twenty-five year program. The State Board of Conservation and the State Fish and Game Department were authorized to set aside from the funds appropriated to them a sum sufficient to defray the cost of such contract. It is the hope of conservationists that this plan may remove improvement programs from politics, and lead to an extensive development of all natural resources of the State.¹⁵⁴

¹⁵³ *Acts of the Forty-fourth General Assembly*, Ch. 31.

¹⁵⁴ *Acts of the Forty-fourth General Assembly*, Ch. 337; *The Des Moines Register*, February 8, 1931.

Section 1799-b2 of the *Code of 1927* provides that no person or corporation shall build any pier, wharf, wall, or obstruction of any kind upon State-owned land or water under the jurisdiction of the State Board of Conservation without first obtaining from the Board a written permit. Formerly a fee of two dollars was charged for such a permit. Under the law as recently amended the Board is authorized to charge not less than \$10.00 and no more than \$25.00 per year for such a permit, if the structure is erected for commercial purposes.¹⁵⁵

The State Board of Conservation has power to authorize the removal of any pier, wharf, wall, building, or other obstruction erected on State property under its jurisdiction, whenever in the opinion of the Board such removal would be for the best interest of the public. This removal shall be made within thirty days after written notice has been given. The law has now been amended to provide that the cost of removal shall be paid by the owner of the building or obstruction, and the State shall have a lien upon the property removed for the payment of such costs. The costs shall be paid at the time of removal and the lien may be enforced and foreclosed in accordance with the law of chattel mortgages.¹⁵⁶

The State Board of Conservation may call upon the State College of Agriculture and Mechanic Arts for the services of a competent landscape architect or engineer, who shall assist the Board in working out any improvement program. The *Code of 1927* provided that students enrolled in the Landscaping Department of the College might also be called upon to assist in conservation programs. Provision was made for the payment of the necessary expenses incurred by this architect or the students employed, but no compensation was allowed. The section of the Code au-

¹⁵⁵ *Acts of the Forty-fourth General Assembly*, Ch. 36.

¹⁵⁶ *Acts of the Forty-fourth General Assembly*, Ch. 37.

thorizing the employment of students in this work has now been repealed, and the provision for expense money has been amended to apply only to the architect or engineer.¹⁵⁷

The Board of Conservation is authorized to establish boundary lines between the State-owned property under its jurisdiction and privately owned property. Under the provisions of the *Code of 1927* the establishment of such boundaries was mandatory. The law has now been amended so that boundary lines are to be established only "when said board deems it feasible and necessary."¹⁵⁸

The Board, with the approval of the Executive Council, may lease such parts of the property under its jurisdiction as seems advisable. Prior to 1931 such lease could extend for not to exceed one year. The time has now been extended to five years.¹⁵⁹

AGRICULTURE AND HORTICULTURE

In counties in which there is a county agricultural society the board of supervisors may levy a tax of one mill to create a fairgrounds fund. Prior to 1931 this fund could be used for the sole purpose of fitting up or purchasing fairgrounds for the use of the agricultural society. This fund may now be used also "for the purpose of aiding boys' and girls' 4 H Club work".¹⁶⁰

An organization for the purpose of holding a short course in agriculture and domestic science is, under certain conditions, entitled to State aid. The law relative to this matter has been amended in several particulars. Prior to 1931 a four day session must be provided in order to obtain State aid. Under the new law a two day session only is required. Moreover the new law provides that membership

¹⁵⁷ *Acts of the Forty-fourth General Assembly*, Ch. 38.

¹⁵⁸ *Acts of the Forty-fourth General Assembly*, Ch. 39.

¹⁵⁹ *Acts of the Forty-fourth General Assembly*, Ch. 40.

¹⁶⁰ *Acts of the Forty-fourth General Assembly*, Ch. 58.

in the organization must be open to all citizens on an equal basis with a membership fee of not more than one dollar. The organization must notify the Department of Agriculture, by November first of each year, of its intention to hold a short course, and must report relative to the work done and the money expended by the following June. If the law is complied with the State will pay a sum equal to eighty per cent of the amount paid in premiums, but such amount shall not exceed six hundred dollars in any one county.¹⁶¹

The measure passed to amend the law relative to short courses did not carry with it an appropriation to pay the additional expenses incurred thereby, but a measure, introduced by the Committee on Appropriations in the Senate, provided an annual sum of \$8000 for this purpose.¹⁶²

The law relative to State aid for poultry shows was likewise amended. Organizations wishing to obtain State aid for this work must notify the Department of Agriculture of such intention by the first of October. Provision is also made that poultry associations in counties where no local poultry show is held may affiliate with associations in adjacent counties and hold a district poultry show at some location that is mutually satisfactory. Each county affiliated in a district show shall form a county association and notify the Department of Agriculture of its intention to affiliate with the district organization. The total amount of State aid available for a district show "shall be the amount that would otherwise be available to the respective county poultry associations".¹⁶³

The law relative to the sale of commercial feeds was amended by the Forty-fourth General Assembly to provide that the label on such feeds shall designate "the actual per cent of added mineral matter". Moreover, the "average

¹⁶¹ *Acts of the Forty-fourth General Assembly*, Ch. 59.

¹⁶² *Acts of the Forty-fourth General Assembly*, Ch. 60.

¹⁶³ *Acts of the Forty-fourth General Assembly*, Ch. 61.

analysis must correspond with that stated on the label.” This law also provides that poultry shells or poultry limestone shall be classified as commercial feed and shall be labeled to show the ingredients and the per cent of calcium carbonate. The sale of commercial feed containing noxious weed seed is prohibited unless the feed is finely ground or heated or otherwise treated so that the seed will not germinate.¹⁶⁴

Section 3236 of the *Code of 1927* gives a table of commodities with a corresponding table of avoirdupois weights by which the measure of the various commodities shall be determined when they are sold by the bushel or fractional part of a bushel. This law was amended by adding the provision that a bushel of grape fruit, lemons, or oranges shall contain 48 pounds.¹⁶⁵

One of the laws adopted in 1931 requires that any person or corporation engaged in the business of buying livestock for the market or for slaughter shall keep a record of the time of purchase, name, and residence of the seller, and a description of the livestock, in a manner prescribed by the Department of Agriculture. These records shall be open to inspection of peace officers at reasonable times. Any person or corporation failing to comply with this law shall be guilty of a misdemeanor and subject to a fine of one hundred dollars.¹⁶⁶

PUBLIC HEALTH

The Forty-third General Assembly passed a measure authorizing the appointment of an Inspector in the State Department of Health. The salary for this officer “until June 30, 1931” was to be fixed by the Executive Council. This law has now been amended to provide for an Assistant Inspector, also, and the words, “until June 30, 1931”, were

¹⁶⁴ *Acts of the Forty-fourth General Assembly*, Ch. 65.

¹⁶⁵ *Acts of the Forty-fourth General Assembly*, Ch. 66.

¹⁶⁶ *Acts of the Forty-fourth General Assembly*, Ch. 67.

stricken from the law. Under the new law the salaries of both the Inspector and the Assistant Inspector are to be fixed by the Executive Council.¹⁶⁷

Section 2236 of the *Code of 1927* relative to the duties of health officers was repealed and a substitute section was enacted. The new measure provides that the health officer shall be the executive officer of the local board in all matters pertaining to public health, control of communicable diseases, disposal of refuse, and the pollution of water supply. He shall make recommendations relative to health, receive reports of cases of reportable diseases, and impose and terminate quarantine. He shall also keep a record of cases reported to him and shall make reports to the State Department of Health as required by law.¹⁶⁸

Several sections of the Code were repealed or amended to revise the law relative to isolation and fumigation. The term "isolation" was redefined and provision was made that in the absence of the health officer any quarantine or isolation authorized by law may be terminated by the mayor, the township clerk, or other officer acting under the direction of the health officer. Three sections of the Code which formerly provided for disinfecting or fumigating were amended to provide for disinfecting only — the provision for fumigating having been repealed.¹⁶⁹

The law relative to venereal diseases was amended so as to put its administration more directly under the State Health Department. Reports required by law of physicians and druggists relative to these diseases are now sent to the State Health Department or to full time municipal or county health officers instead of to the local boards of health. The new law also provides for the quarantine of persons infected with a venereal disease, and prescribes a

¹⁶⁷ *Acts of the Forty-fourth General Assembly*, Ch. 43.

¹⁶⁸ *Acts of the Forty-fourth General Assembly*, Ch. 44.

¹⁶⁹ *Acts of the Forty-fourth General Assembly*, Ch. 45.

penalty for a failure to report the disease in accordance with the law.¹⁷⁰

The law relative to the adulteration of foods was also amended. The new law provides that a quart of ice cream in factory filled packages "shall weigh not less than eighteen (18) ounces", and the "bacterial count at the factory shall not exceed two hundred and fifty thousand (250,000) to the cubic centimeter".¹⁷¹

DRAINAGE

Sections 7466 and 7476 of the *Code of 1927* relative to classification as a basis for future drainage assessments were repealed and a substitute section was enacted. The new law provides that a classification of land for drainage purposes, when adopted, shall remain the basis for all future assessments unless it is revised by the board of supervisors or drainage district trustees, except where land included in the classification is destroyed by erosion, or where additional right of way has been subsequently taken for drainage purposes. Such erosion or taking shall not make necessary a reclassification, and no assessment shall thereafter be made on the land so removed. Any deficiency in assessment resulting from these conditions shall be spread over the balance of the lands remaining in the district in the same ratio as was fixed in the classification of the lands, payable at the next taxpaying period.¹⁷²

When work on a drainage contract has been completed the engineer in charge shall so report to the board of supervisors. The board shall then issue notice of a meeting to be held to consider such report. Prior to 1931 there was a requirement that this notice must be published in a newspaper of general circulation "in the county seat" in the

¹⁷⁰ *Acts of the Forty-fourth General Assembly*, Ch. 46.

¹⁷¹ *Acts of the Forty-fourth General Assembly*, Ch. 62.

¹⁷² *Acts of the Forty-fourth General Assembly*, Ch. 186.

county in which the work was done. The law was amended by the Forty-fourth General Assembly, by striking out the words "in the county seat". Accordingly, notice published in any newspaper of general circulation in the county is now sufficient.¹⁷³

Section 7796 of the *Code of 1927* dealing with the subject of dams which affect State-owned land was amended to include and protect highways. This section now provides that if a person desires to erect a dam which will affect "highways or state owned lands" he shall as a condition precedent secure a permit from the board, commission or other official body charged with jurisdiction over and control of such highway or land.¹⁷⁴

HIGHWAYS

The Forty-third General Assembly in 1929 passed a joint resolution proposing a constitutional amendment to allow a \$100,000,000 State bond issue for primary road improvements. In 1931 the Senate approved this bond amendment by a vote of almost four to one, but opposition developed in the House and the constitutionality of the measure was attacked on the ground that it contained two separate provisions. The Attorney General rendered an opinion in support of this view, but in spite of this the measure passed the House by a vote of about three to two, and a second joint resolution was passed designating June 16, 1931, as the date upon which a special election should be held to vote upon this amendment.

In order to avoid unnecessary expense in this matter provision was made to have the constitutionality of this amendment tested by the Supreme Court prior to submitting it to a vote of the people, and a general act was passed to provide for challenging the legality of constitutional

¹⁷³ *Acts of the Forty-fourth General Assembly*, Ch. 187.

¹⁷⁴ *Acts of the Forty-fourth General Assembly*, Ch. 188.

amendments. In addition to this, an enabling act was introduced providing for the carrying forward of this amendment if it should be declared valid. This provision was vetoed by Governor Turner on the ground that it provided for the improvement of some 1800 miles of roads not contemplated in the original amendment. The amendment was declared unconstitutional by the State Supreme Court.¹⁷⁵

A new law was passed designating county trunk roads outside of cities and towns as arterial highways. This measure provides that traffic on such highways shall have the right of way over traffic on local county roads intersecting therewith. The State Highway Commission was directed to adopt, and county boards of supervisors were authorized to furnish, appropriate signs and markers to place at the intersections of these secondary roads.¹⁷⁶

The law dealing with the improvement of secondary roads was amended so as to provide for the improvement of county line roads. Under this law, whenever it is desired to improve a road between two or more counties an improvement district may be established by the joint action of the boards of supervisors of the counties concerned. "Whenever any such a joint project is entered into, the engineer of each county shall work together upon such project and shall file their joint report with their respective boards." Thereafter each county shall proceed with the establishment of an assessment district within the county for the payment of the cost of improving the joint highway, and each county shall proceed to pay its share of the cost in the same manner as though the entire project were located in that county.¹⁷⁷

¹⁷⁵ *Acts of the Forty-fourth General Assembly*, Chs. 223, 333, 334; *House File, Forty-fourth General Assembly*, No. 576; *House Journal*, 1931, pp. 1910-1912.

¹⁷⁶ *Acts of the Forty-fourth General Assembly*, Ch. 121.

¹⁷⁷ *Acts of the Forty-fourth General Assembly*, Ch. 103.

In order to provide for the graveling, oiling, or other suitable surfacing of roads of the secondary system, the board of supervisors has power, on petition therefor, to establish road assessment districts. Such a petition formerly required the signature of twenty per cent of the owners of the land within the proposed district who are residents of the county. The law has now been amended to require "thirty-five" per cent, instead of "twenty" per cent, of such resident landowners.¹⁷⁸

In accordance with a new provision of the law the State Highway Commission may construct or aid in the construction of bridges, viaducts, and railroad grade crossing eliminations on those portions of the extensions of primary roads within cities having a population of 2500 or more where the houses average less than 200 feet apart. It is provided, however, that primary road funds used for this purpose shall not be charged "with a greater amount than would, in the judgment of the commission, be necessary to provide for the primary road traffic if such improvement were located outside of a city or town".¹⁷⁹

The State Highway Commission may contribute to the city from the primary road fund for maintenance work on extensions of primary roads within that part of a city of 2500 population or more, where the houses average less than 200 feet apart. Prior to 1931 such contribution could not exceed an average of \$200 per year per mile of primary road extension. This limit has now been raised to \$350.¹⁸⁰

Section 11 of Chapter 20 of the *Acts of the Forty-third General Assembly* provided that a portion of the secondary road construction fund might be used for certain specified purposes. The Forty-fourth General Assembly amended this law by adding the provision that it might also be used

¹⁷⁸ *Acts of the Forty-fourth General Assembly*, Ch. 104.

¹⁷⁹ *Acts of the Forty-fourth General Assembly*, Ch. 106.

¹⁸⁰ *Acts of the Forty-fourth General Assembly*, Ch. 107.

for the payment of county road bonds authorized prior to July 4, 1929, under Chapter 242 of the *Code of 1927* or the *Code of 1924*.¹⁸¹

Chapter 20 of the *Acts of the Forty-third General Assembly* provides that the board of supervisors, together with a representative from each township, shall convene as a board of approval to adopt a program for the improvement of the local county roads. The Forty-fourth General Assembly provided that such improvements shall be "paid for from the thirty-five per cent of the secondary road construction fund which is dedicated to local county roads." The action of this board shall be final "except as it applies to the sixty-five (65) per cent of the secondary road construction fund to be expended under the direction of the board of supervisors".¹⁸²

A measure consisting of twenty-one sections was passed to amend, modify, and harmonize various sections of the Code relative to highways. Section 4560 of the *Code of 1927* provided that the board of supervisors shall have general supervision of the roads of the county. This was amended so as to apply only to "secondary" roads. Several other sections were amended in a similar manner. Certain improvements shall be paid for out of the "secondary road fund" instead of the "county road fund".

This law also provided that the State Highway Commission "shall establish, erect and maintain a system of uniform guide and warning signs upon the primary road system, and pay the necessary expense thereof from the primary road fund". Moreover, the State Highway Commission and the board of supervisors were authorized to "cause all obstructions in the highways, under their respective jurisdictions, to be removed."¹⁸³

¹⁸¹ *Acts of the Forty-fourth General Assembly*, Ch. 101.

¹⁸² *Acts of the Forty-fourth General Assembly*, Ch. 102.

¹⁸³ *Acts of the Forty-fourth General Assembly*, Ch. 100.

Another amendment in the highway law provides that in any county where county road bonds have been authorized by a vote of the people, the board of supervisors is authorized to issue and sell additional bonds to the extent and in the amount authorized but not issued. Bonds thus issued and sold shall, however, be subject to the maximum debt limitation as provided by law. Provision was made for the payment of the principal and interest of the bonds issued.¹⁸⁴

The Forty-third General Assembly passed an extensive measure dealing with the destruction of weeds. The Forty-fourth General Assembly amended this measure and various sections of the Code to make the law more exact and explicit. The law now provides that Canada thistle, sow thistle, and quack grass growing in the secondary roads shall be destroyed under the supervision of the board of supervisors, and if growing in the primary roads they shall be destroyed by the Highway Commission. In cities and towns of less than 5000 population, and in townships, the governing body shall appoint a weed commissioner who shall supervise the destruction of noxious weeds. The board of supervisors in each county shall fix a uniform scale of compensation to be paid township weed commissioners. City and town weed commissioners shall receive such compensation as may be fixed by the council or commission of the municipality.¹⁸⁵

MOTOR VEHICLES

The Forty-fourth General Assembly passed seventeen acts dealing directly or indirectly with the subject of motor vehicles.

The most extensive and perhaps the most interesting law of this group is the one introduced by Senator L. H. Doran,

¹⁸⁴ *Acts of the Forty-fourth General Assembly*, Ch. 109.

¹⁸⁵ *Acts of the Forty-fourth General Assembly*, Ch. 111.

requiring that after January 1, 1932, drivers of motor vehicles on the highways of this State shall be required to have licenses in order to operate motor vehicles. To this general rule requiring a license a few exceptions are made. A person operating road improvement machinery or one driving a farm tractor temporarily upon the highway need not have a license. A person in the service of the army, navy, or marine corps of the United States and having a driver's permit may also operate a car without a license. Moreover, a non-resident over the age of fifteen who is duly licensed in his home State and has in his possession such license may operate without an Iowa license. A non-resident who is a resident of a State not requiring a license may operate for thirty days in Iowa without obtaining a license.

The law provides that a license shall not be issued to persons under the age of fifteen, except that persons over fourteen may have a license to drive to and from school. Chauffeurs are not licensed under the age of eighteen, drivers of school busses must be at least sixteen, and drivers of public passenger-carrying vehicles must be twenty-one years of age. A license shall not be issued to an habitual drunkard, an idiot, an insane or feeble-minded person or to one "who is unable to understand highway warning or directing signs in the English language".

The owner of a motor vehicle registered in this State is given a driver's license without charge. An operator's license fee for a non-owner is fixed at twenty-five cents for a period of two years and a chauffeur's license fee is two dollars annually.

The Motor Vehicle Department shall revoke the license of any person convicted of manslaughter due to operation of a motor vehicle, driving a vehicle while intoxicated, perjury in connection with this law, any crime punishable as a felony under the motor vehicle law, failure to stop or re-

port an accident where a person is hurt or killed, and upon three convictions for reckless driving, and a person whose license is revoked may not apply for a new license until the expiration of one year from the date of revocation.¹⁸⁶

Two sections of the law were amended to define "semi-trailers" and "truck tractors" and to provide for the licensing of such vehicles. A semi-trailer is defined as a vehicle of the trailer type so designed that a part of its own weight and that of its load is carried by another vehicle. Such vehicles shall be registered and the license shall be computed separately from its power unit.

A truck tractor is a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. Truck tractors drawing semi-trailers must be licensed, the fee depending upon the weight of the load carried. A minimum fee of \$75 is charged for such vehicles carrying less than a three ton load. Vehicles with a load capacity of six tons pay a license fee of \$240. For each ton of load capacity above six tons an additional \$50 license fee is charged.¹⁸⁷

Section 5105-a1 of the *Code of 1927*, which defines motor vehicles, and Chapter 129 of the *Acts of the Forty-third General Assembly* relative to the regulation of motor trucks were amended by the Forty-fourth General Assembly to include "any trailer, semi-trailer or other device used in connection therewith". Provision was also made that no part of the load carried on any motor truck shall be allowed to project beyond either side of the body of the vehicle or measure more than eight feet wide. Prior to 1931 the penalty for violating the law relative to motor vehicle carriers was a fine of one thousand dollars or imprisonment in the county jail for one year, or both such fine

¹⁸⁶ *Acts of the Forty-fourth General Assembly*, Ch. 114.

¹⁸⁷ *Acts of the Forty-fourth General Assembly*, Ch. 110.

and imprisonment. This penalty has now been reduced to one hundred dollars or imprisonment for a period of not to exceed thirty days.¹⁸⁸

Section 12 of Chapter 129 of the *Acts of the Forty-third General Assembly* provided that the money received under the law relative to the regulation of motor trucks, or as much of it as was necessary, should be used for the administration and enforcement of said law, and that the unexpended balance should be credited to the general fund of the State. This law was made more specific by providing that the unexpended balance "on June 30th of each year shall be credited to the general fund of the state by December 31st following".¹⁸⁹

Another law provides that no person shall operate a commercial vehicle upon the highways of the State for a period of more than sixteen hours out of twenty-four hours. No person, firm, or corporation shall allow any employee to operate a vehicle in excess of the sixteen hour period. A penalty of from twenty-five to one hundred dollars is provided for the violation of this law.¹⁹⁰

Section 5027 of the *Code of 1927* was repealed and a new section added which provides that any person who shall be convicted or shall plead guilty to the charge of driving a motor vehicle on the highways of the State while in an intoxicated condition shall be punished for the first offense by a fine of not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not to exceed one year or by both such fine and imprisonment. For the second offense the minimum fine is fixed at \$500, and for the third offense the penalty prescribed is imprisonment in the penitentiary for a period

¹⁸⁸ *Acts of the Forty-third General Assembly*, Ch. 129; *Acts of the Forty-fourth General Assembly*, Chs. 128, 129.

¹⁸⁹ *Acts of the Forty-fourth General Assembly*, Ch. 130.

¹⁹⁰ *Acts of the Forty-fourth General Assembly*, Ch. 122.

of not to exceed three years. Upon conviction of the first, second, or third offense of this kind a person shall be prohibited from driving on the highway for three, six, or twelve months respectively. Any person operating a motor vehicle in violation of this provision of the law shall, in addition to all other penalties, be imprisoned in the county jail for a period of not to exceed thirty days.¹⁹¹

By an amendment to Section 4867 of the Code all fire trucks not owned and operated for pecuniary profit are included in the list of motor vehicles which are exempt from paying an annual license fee. They are not, however, exempt from the penalties imposed for a violation of the motor vehicle law. Although no license fee is charged, distinguishing plates are furnished by the State.¹⁹²

Chapter 131 of the *Acts of the Forty-third General Assembly* provided for certain license fees for trucks and trailers — the fee to be based upon the actual load carried. This law was amended by the Forty-fourth General Assembly to provide that any agent of the Motor Vehicle Department may stop any automobile, truck, or trailer and compel the driver to bring the load to a scales designated in order to determine the actual weight carried.¹⁹³

In accordance with an amendment to Chapter 127 of the *Acts of the Forty-third General Assembly* the list price or value of motor vehicles for the purpose of registration is determined by the Motor Vehicle Department instead of by the Executive Council as was formerly the rule. The legislative measure which resulted in this change also amended the law with regard to remittance of fees by the county treasurer. The treasurer is required to report each month the amount received by him as fees and penalties in the motor vehicle department. Formerly six per cent of this

¹⁹¹ *Acts of the Forty-fourth General Assembly*, Ch. 117.

¹⁹² *Acts of the Forty-fourth General Assembly*, Ch. 112.

¹⁹³ *Acts of the Forty-fourth General Assembly*, Ch. 113.

sum was sent to the State Treasurer for use in the maintenance fund of the State Highway Commission and the Motor Vehicle Department. This remittance is now reduced to five and one-half per cent of the amount received.¹⁹⁴

In accordance with a new law cities and towns are given power to establish school zones and provide for the stopping of all motor vehicles approaching such zones, when movable stop signs have been placed at the limits of zones thus established.¹⁹⁵

The *Code of 1927* provides that the operator of a motor vehicle in turning to the right from one street or highway into another shall turn the corner as near to the right as practicable, and in turning to the left he shall pass to the right of and beyond the center before turning. This law has been amended to provide that other methods of turning may be designated by markers or signs and when such designations are made turns shall be made in accordance with the directions given. This allows cities and towns to provide for "no left turns" and for "inside turns".¹⁹⁶

In accordance with a bill adopted at this session every horse-drawn vehicle traveling on the highway during the period from one hour after sunset to one-half hour before sunrise is required to display a light or reflector on the vehicle. This must be of sufficient illuminating power to be visible at a distance of two hundred feet from the rear of the vehicle.¹⁹⁷

A bill consisting of twelve sections was passed defining certain terms used in the motor vehicle law, establishing rules relative to the regulation of traffic, and limiting the height, length, width, and weight of various types of ve-

¹⁹⁴ *Acts of the Forty-fourth General Assembly*, Ch. 116.

¹⁹⁵ *Acts of the Forty-fourth General Assembly*, Ch. 115.

¹⁹⁶ *Acts of the Forty-fourth General Assembly*, Ch. 118.

¹⁹⁷ *Acts of the Forty-fourth General Assembly*, Ch. 119.

hicles. The words "combination" or "combination of vehicles" was defined as "a group consisting of two or more motor vehicles, or a group consisting of a motor vehicle and one or more trailers, semi-trailers or vehicles which are coupled or fastened together for the purpose of being moved on the highways as a unit."

The law provides that if two or more vehicles or combinations more than thirty feet in length are being operated on the highways they shall remain at a distance of at least four hundred feet apart except when passing each other. This measure also provides that no motor vehicle, trailer, or semi-trailer which, with or without a load, exceeds twelve feet in height, shall be operated on the highways of the State, and no vehicle having axles less than forty inches apart center to center, shall be used. There is also a limit upon the length of vehicles or combinations permitted upon the highways — the maximum length varying from 30 to 45 feet depending upon the type of vehicle and the purpose for which it is used. A maximum weight and also a speed limit is placed upon freight carrying vehicles. These depend upon the length of the vehicle or combination, and upon the use of pneumatic or solid rubber tires. No passenger motor vehicle shall carry any load extending beyond the line of the fenders on the left side of the vehicle.¹⁹⁸

As a safeguard against reckless driving on the highways of Iowa by persons residing outside the State, the Forty-fourth General Assembly passed a measure fixing the legal liability of non-resident operators. This law provides that the use and operation of a motor vehicle in this State by a non-resident shall be deemed an agreement by him that he shall be subject to the jurisdiction of the proper district court of this State in all civil actions for damages to person or property growing out of such use or operation. It shall also be considered as an appointment by the non-resident

¹⁹⁸ *Acts of the Forty-fourth General Assembly*, Ch. 120.

of the Secretary of the State of Iowa as his lawful attorney, upon whom notice of action may be served. In case an action arises notice shall be served upon the Secretary of State and upon the defendant either by registered mail or by personal service. The action may be brought in the county where the plaintiff resides or in the county where the injury was received or the damage done. The Secretary of State shall keep a record of all notices of suits filed with him, and shall on request furnish any defendant with a certified copy of the notice of any action against him.¹⁹⁹

An act was passed by the Forty-fourth General Assembly setting forth standard specifications for motor vehicle fuel. This measure defines motor vehicle fuel as "any substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and kept for sale or sold for that purpose". Kerosene and distillate or petroleum products of lower gravity when not used to propel a motor vehicle shall not, however, be considered as motor vehicle fuel.

The law provides that this fuel shall be free from water and suspended matter, and shall meet certain specified corrosion and distillation tests. And no person shall falsely represent the quality or kind of fuel or add coloring matter for the purpose of misleading the public as to its quality.

The law further provides that no dealer shall receive or have for sale any motor vehicle fuel, unless he first secures from the refiner or producer a statement verified by the oath of a competent chemist showing that true standards and tests have been complied with. Provision is also made for inspection of this fuel by the Department of Agriculture, and a penalty of \$100 or imprisonment for 30 days is prescribed for a violation of the act.²⁰⁰

¹⁹⁹ *Acts of the Forty-fourth General Assembly, Ch. 123.*

²⁰⁰ *Acts of the Forty-fourth General Assembly, Ch. 126.*

In the passage of this measure relative to motor vehicle fuel no appropriation was made for the administration of the law. Accordingly a subsequent measure was passed appropriating out of any funds of the State not otherwise appropriated funds sufficient to pay the expenses incurred by this act.²⁰¹

The Forty-first General Assembly in 1925 passed a comprehensive measure dealing with the taxation of gasoline. In 1927 this law was amended increasing the tax from two to three cents per gallon. The Forty-fourth General Assembly passed a measure which provided that throughout this law the word "gasoline" should be stricken out and the words "motor vehicle fuel" should be substituted. Accordingly the tax law now applies not only to gasoline but to all other motor vehicle fuel.²⁰²

CORPORATIONS

One measure adopted by this General Assembly provides that in case the Secretary of State has issued to a corporation a certificate renewing or extending its corporate existence from an erroneous date or for a period of time in excess of that prescribed by law, the Secretary shall, upon the surrender of such certificate, issue a new one in due form, with the correct date inserted.²⁰³

Any corporation organized in this State for the purpose of constructing or operating a bridge, one end of which shall rest in an adjacent State, may merge with a company or corporation organized for a similar purpose in the adjacent State. Such consolidated corporations shall be considered as one corporation and shall have all the property, rights, privileges, assets, and liabilities of the merging corporations.²⁰⁴

²⁰¹ *Acts of the Forty-fourth General Assembly*, Ch. 127.

²⁰² *Acts of the Forty-fourth General Assembly*, Ch. 108.

²⁰³ *Acts of the Forty-fourth General Assembly*, Ch. 192.

²⁰⁴ *Acts of the Forty-fourth General Assembly*, Ch. 193.

In accordance with a new section in the Code a corporation organized under the laws of Iowa may designate in its articles or by-laws the officer or officers who shall be empowered to sign stock certificates of the corporation. The corporation may provide that in lieu of the actual signature of the officers a facsimile may be engraved or printed. The fact that, at the time of the actual issue or delivery of a stock certificate, the officer whose signature appears on the certificate shall have ceased to be an officer shall not invalidate the signature nor the certificate.²⁰⁵

Section 8457 of the *Code of 1927* provided that the Secretary of State should compile each year a list of corporations that had complied with the law relative to the making of annual reports, and mail a copy of such list to each county recorder in the State. The Superintendent of Printing and the Secretary of State agreed that this involved an unnecessary expense and this section of the Code was repealed.²⁰⁶

The Forty-third General Assembly in 1929 passed an extensive law known as the "Iowa Securities Act". This was a revision of the so-called "blue sky law" and was designed to protect investors by regulating the sale and purchase of securities. Section 4 of this act set forth certain securities which were exempt from the law. The Forty-fourth General Assembly amended this law and removed from this exemption certain securities issued by public service utility corporations. In this connection a long sub-section dealing with securities issued by a corporation owning a railroad or "other public service utility" was repealed, and a new sub-section was inserted applying to railroads only.²⁰⁷

Section 11042 of the *Code of 1927* provides that any cor-

²⁰⁵ *Acts of the Forty-fourth General Assembly*, Ch. 194.

²⁰⁶ *Acts of the Forty-fourth General Assembly*, Ch. 195.

²⁰⁷ *Acts of the Forty-fourth General Assembly*, Ch. 196.

poration or company engaged in the construction of a railway, canal, telegraph, telephone line, or highway may be sued, upon any contract relative to the work, in the county where the contract was made or where the work was done. This law was amended by the Forty-fourth General Assembly to apply also to any company engaged in the construction of "oil, gas or gasoline transmission lines".²⁰⁸

A comprehensive measure of eighteen sections was passed dealing with the regulation of pipe line companies. The first section of this law defined a pipe line company as "any person, firm, co-partnership, association, corporation or syndicate engaged in or organized for the purpose of owning pipe lines for the transportation or transmission of gas, gasoline, oils or motor fuel within or through this state, or, for the purpose of engaging in the transportation or transmitting of gas, gasoline, oil or motor fuels in or through pipe lines within or through this state."

No pipe line company shall construct or operate a pipe line outside of cities and towns under, along, or across any public highway, grounds, waters, or streams of this State without procuring permission from the Railroad Commissioners. Such a permit shall be granted only upon a petition properly filed with the Commissioners in accordance with the law, and after a public hearing at which opportunity has been given to persons interested to make objection.

No exclusive right shall be granted to a pipe line company, nor shall a permit be granted for a period of more than twenty-five years. The Board of Railroad Commissioners shall have general supervision of all pipe lines in the State and shall from time to time inspect and examine into the conditions of such lines. If the lines are found to be dangerous or unsafe the Commission shall have authority to direct that repairs be made and actions may be

²⁰⁸ *Acts of the Forty-fourth General Assembly, Ch. 221.*

brought in the district court to compel compliance with the orders of the Commission.²⁰⁹

INSURANCE

Any fraternal beneficiary society organized under the laws of Iowa, and accumulating money to be held in trust for the purpose of the fulfillment of its certificates and contracts must invest the accumulations in certain designated securities. Such securities shall be deposited with the Commissioner of Insurance subject to his approval. This law was amended by the Forty-fourth General Assembly by adding the provision that societies doing business in Canada "may there deposit such portion of their securities as is necessary to maintain the required reserves on business written in that country".²¹⁰

Section 8869 of the *Code of 1927* provides that any existing fraternal beneficiary society may amend its articles of incorporation and by-laws in such a manner as to transform itself into a legal reserve level premium company doing business either as a mutual or stock company, if it acts in compliance with certain sections of the Code. The Forty-fourth General Assembly passed a measure providing that this provision of the Code and the Code sections relative thereto shall not apply to any association organized solely for benevolent purposes, whose articles of incorporation provide that, at the time of the admission to membership, each member shall belong to one certain occupation or guild.²¹¹

Section 8940 of the *Code of 1927* authorizes insurance companies to insure buildings or other property against losses by fire, wind, hail, and similar causes. This law was amended by the Forty-third General Assembly to provide

²⁰⁹ *Acts of the Forty-fourth General Assembly*, Ch. 191.

²¹⁰ *Acts of the Forty-fourth General Assembly*, Ch. 197.

²¹¹ *Acts of the Forty-fourth General Assembly*, Ch. 198.

for insurance against loss or damage caused by airplanes, seaplanes, and other aircraft. The Forty-fourth General Assembly further amended the law by providing for insurance against loss by railroad equipment and motor vehicles.²¹²

It is unlawful for two or more insurance companies doing business in Iowa, or for their agents or employees, to enter into any agreement or combine relative to rates to be charged, commissions paid, or the manner of conducting business. This provision of the law has been amended by adding the stipulation that any number of companies may have the same agent or agents for the filing of forms of policies or permits to be examined and approved by the Insurance Commission as required by law.²¹³

PROFESSIONS

Section 2444 of the *Code of 1927* provides that every person licensed to practice medicine, surgery, dentistry, pharmacy, cosmetology, barbering, or embalming shall keep his license displayed in the place in which he practices. An amendment to this law now requires that such license shall be "publicly" displayed.²¹⁴

The Forty-fourth General Assembly passed a measure restricting the use of the word "doctor" and the abbreviation "Dr." as used in various professions affecting the public health. The law provides that any person who falsely holds himself out, by the use of any professional title or abbreviation, to be a practitioner of a system of the healing arts other than the one under which he holds a license or who fails to use the proper designation in connection with his profession shall be fined not less than \$25 nor more than \$100 or be sentenced to 30 days in jail.²¹⁵

²¹² *Acts of the Forty-fourth General Assembly*, Ch. 199.

²¹³ *Acts of the Forty-fourth General Assembly*, Ch. 200.

²¹⁴ *Acts of the Forty-fourth General Assembly*, Ch. 49.

²¹⁵ *Acts of the Forty-fourth General Assembly*, Ch. 50.

Physicians, surgeons, and other persons licensed or permitted to practice any art of healing are now required to report to the county sheriff any case treated by them in which there seems to have been violence committed. The sheriff shall, if he thinks the injured party has been involved in the committing of a crime, report the case to the Chief of the Bureau of Investigation. Any failure to make the report as herein prescribed shall be a misdemeanor and shall be subject to a fine of \$100.²¹⁶

The law relative to the practice of medicine and surgery was amended to include persons who publicly profess to be physicians and surgeons, persons who prescribe, or prescribe and furnish medicine for human ailments, and persons "who act as representatives of any person" in doing any of these things.²¹⁷

The *Code of 1927* provides that every applicant for a license to practice dentistry shall present a diploma from an approved dental college or pass an examination prescribed by the Board of Dental Examiners. This law has been amended to provide that the State Department of Health, with the approval of the Dental Examiners, may accept in lieu of these requirements a "certificate of satisfactory examination issued by the national board of dental examiners."²¹⁸

The law with regard to the practice of pharmacy was likewise amended. The revised law redefined the word "pharmacy", placed a further restriction upon unlicensed persons selling drugs under the supervision of a licensed pharmacist, and restricted the use of certain terms used in advertising a business, unless such business is operated as a pharmacy as defined by law.²¹⁹

²¹⁶ *Acts of the Forty-fourth General Assembly*, Ch. 51.

²¹⁷ *Acts of the Forty-fourth General Assembly*, Ch. 52.

²¹⁸ *Acts of the Forty-fourth General Assembly*, Ch. 53.

²¹⁹ *Acts of the Forty-fourth General Assembly*, Ch. 54.

The law relative to exemptions provides that if a debtor is a resident of this State, and the head of a family, he may hold certain specific property exempt from execution. Prior to 1931 the tools, instruments, or books of the debtor, if he were a farmer, a mechanic, surveyor, clergyman, lawyer, physician, teacher, or professor were exempt. In accordance with a recent amendment to this law the tools, instruments, or books of a professional engineer, architect, or dentist are now exempt.²²⁰

The law relative to the practice of barbering was amended so as to provide for certain additional qualifications which shall be required of applicants for a barber's license. The new law provides that any applicant shall present a certificate showing that he has completed the eighth grade or the equivalent thereof. After completing a six months' course in a school of barbering the applicant may take an examination to become a barber's apprentice. After passing this examination and after serving an additional eighteen months in a clinic or practice school under the supervision of a licensed barber the applicant may then take the regular examination for a license to practice barbering in the State. No barber school or barber student therein is permitted to charge a fee for work done by a student during the first three months of the course.²²¹

Several sections of the *Code of 1927* were amended changing the law relative to licensing of veterinarians. Formerly the law provided that the district court in the county in which the licensee resides had authority to revoke or suspend licenses to practice. The law now provides that revocation or suspension shall be by the Secretary of Agriculture and the Examining Board when the licensee is found guilty of certain prescribed offenses. The Attorney General may, on his own motion, or, when directed by the De-

²²⁰ *Acts of the Forty-fourth General Assembly*, Ch. 228.

²²¹ *Acts of the Forty-fourth General Assembly*, Ch. 55.

partment of Agriculture shall, file in the office of the Department of Agriculture a petition against the licensee, and the Attorney General shall prosecute the case in accordance with rules prescribed by law.²²²

BANKS AND BANKING

In order to organize a State or savings bank or a trust company in Iowa a specified minimum paid up capital stock is required. The minimum amount required, as fixed by the Forty-third General Assembly, varies with the population of the city or town. The Forty-fourth General Assembly added to this law the provision that the population as required by this law "shall be based upon the latest Iowa census".²²³

The Forty-third General Assembly in amending the laws relative to banking designated any draft or cashier's check drawn by a bank against existing values for a transfer of funds as a preferred claim. This law was amended by the Forty-fourth General Assembly, and the terms, "cashier's check" and "actual existing values", were eliminated from the law. The law as it appears in Section 9239-c1 of the *Code of 1931* reads as follows: "Any draft drawn and issued by any bank or trust company prior to its failure or closing and given in payment of clearings and any money paid in the usual course of business to any bank, or trust company for the purchase of a draft for a bona fide transfer of funds shall be a preferred claim against the assets of the bank or trust company."²²⁴

The *Code of 1927* provides that no banking institution shall maintain a branch bank. This law was amended by the Forty-fourth General Assembly to provide that, under the authority of the State Banking Department, a bank

²²² *Acts of the Forty-fourth General Assembly*, Ch. 56.

²²³ *Acts of the Forty-fourth General Assembly*, Ch. 201.

²²⁴ *Acts of the Forty-third General Assembly*, Ch. 30; *Acts of the Forty-fourth General Assembly*, Ch. 202.

“may establish an office for the sole and only purpose of receiving deposits and paying checks and performing such other clerical and routine duties not inconsistent with this act.” No banking institution may establish an office beyond those counties contiguous to the county in which the banking institution is situated, nor in a city or town in which there is already established a banking institution. Neither the Code section nor the amendment apply to national banks.²²⁵

A measure introduced at this session provides that no revocation, countermand, or stop-order relating to the payment of a check or draft drawn against a depositor of a bank shall be sufficient unless notice is given in writing previous to presentment of the check or draft. Notice thus given shall be valid for not more than sixty days. Notices may be renewed but such renewals shall be valid for thirty days only.²²⁶

Section 9297 of the *Code of 1927* limits banks and trust companies in incurring indebtedness. This law was amended by the Forty-third General Assembly and further amended by the Forty-fourth General Assembly. The law now provides that trust companies and State or savings banks may contract indebtedness for the following purposes: for necessary expenses in managing and transacting their business, for deposits, and to pay depositors, to maintain proper legal reserves, and for other corporate purposes, and the directors of such trust company or bank shall have the right to pledge as security for said indebtedness such assets as may be necessary. Nothing herein contained shall limit the issuance by trust companies, of debentures or bonds, the payment of which shall be secured by an actual transfer of real estate securities for the benefit and protection of purchasers of the debentures or bonds, pro-

²²⁵ *Acts of the Forty-fourth General Assembly*, Ch. 203.

²²⁶ *Acts of the Forty-fourth General Assembly*, Ch. 204.

vided the securities shall be at least equal to the par value of the debentures or bonds, and be first liens upon unincumbered real estate worth at least twice the amount loaned thereon.²²⁷

CRIMINAL LAW

In order to facilitate finding and regaining possession of lost or stolen goods the Forty-fourth General Assembly passed a measure which provides that any person or corporation removing or altering the manufacturer's serial number or other distinguishing marks from a manufactured article for the purpose of concealing or destroying the identity of the article, or anyone who sells, or has in his possession such an article, knowing that the serial number has been defaced to destroy its identity, shall be guilty of a misdemeanor. Moreover, if one has in his possession a manufactured article with the number removed or defaced it shall be presumed that such person destroyed the number in violation of this law. This presumption, however, shall not be conclusive.²²⁸

A measure unique and timely in police regulation, introduced by Representative J. H. Johnson and Senator Lafe Hill, provides that the Attorney General may enter into such contracts as he may deem necessary for the purpose of utilizing a special radio broadcasting system for law enforcement and police work and for direct and rapid communication with various officers of the State. Such contracts shall not involve an expense to the State, except that the State may purchase its own radio remote control system and install it in the office of the State Bureau of Investigation for the use of the Department of Justice in broadcasting direct to peace officers of the State. When this equipment has been installed boards of supervisors in the various

²²⁷ *Code of 1931*, Sec. 9297.

²²⁸ *Acts of the Forty-fourth General Assembly*, Ch. 240.

counties shall install a receiving set in the office of sheriff, and in a motor vehicle used by the sheriff. Likewise each city council shall, and town councils may, install such equipment for the use of peace officers.²²⁹

Another measure provides that the Chief of the State Bureau of Investigation may, in his discretion, issue to any officer or employee of the State, a permit to carry concealed weapons. Such a permit may also be issued to a non-resident of the State who is engaged in law enforcement work in this State. The Chief shall keep a record of the permits thus issued, and the law relative to the carrying of weapons, in so far as it is applicable, shall apply to persons to whom these permits are issued.²³⁰

Another law, introduced by Senator Hill, provides that "No person, firm, partnership, or corporation, except law enforcement officers, shall knowingly have in his or its possession or under his or its control any machine gun of any nature or kind."²³¹

An amendment relating to the suppression of intemperance provides that any person who unlawfully transports intoxicating liquor into this State shall be guilty of a felony. A person found guilty under this law shall be punished for the first offense by a fine of not less than five hundred dollars, nor more than one thousand dollars, or by imprisonment in the penitentiary for not more than two years. For the second and each succeeding offense the punishment shall be imprisonment in the penitentiary for not more than three years.²³²

In accordance with a measure introduced by the House Committee on Suppression of Intemperance the law relative to second and subsequent convictions for a violation of

²²⁹ *Acts of the Forty-fourth General Assembly*, Ch. 241.

²³⁰ *Acts of the Forty-fourth General Assembly*, Ch. 238.

²³¹ *Acts of the Forty-fourth General Assembly*, Ch. 239.

²³² *Acts of the Forty-fourth General Assembly*, Ch. 41.

the liquor laws was broadened and made more explicit. The term "habitual violators" was defined and the duty of the county attorney and the court was set forth in detail. It is the duty of the county attorney in all prosecutions under this law to make diligent and careful inquiry and search for former convictions of the accused and to plead in the indictment or information all former convictions of the accused of which he has acquired knowledge. When an indictment or information contains an allegation of former convictions and the accused pleads guilty to the main offense, the court shall require proof of the allegations of the former conviction, and this charge shall not be dismissed or ignored except on a sworn statement of the county attorney that he is unable to prove the allegation.²³³

Seven sections of the *Code of 1927* deal with criminal offenses arising out of the fraudulent issuing, marking, or negotiating of bills of lading. In each of these sections the offense was designated as a "crime" and punishment by imprisonment and fine was prescribed. This law has now been amended by striking out the word "crime" in each case where it appeared and inserting in lieu thereof the word "felony". The law was further amended by providing that the imprisonment referred to in these seven sections shall be "in the penitentiary or men's or women's reformatory, as the case may be".²³⁴

Prior to 1931 the term "felony" was defined as a public offense which is or may be punished by imprisonment in the penitentiary. This definition was defective in that it did not embrace offenses punishable by death or by imprisonment in the men's reformatory or the women's reformatory. The term has now been redefined as "a public offense which may be punished with death, or which is, or in the discretion of the court may be, punished by imprison-

²³³ *Acts of the Forty-fourth General Assembly*, Ch. 42.

²³⁴ *Acts of the Forty-fourth General Assembly*, Ch. 190.

ment in the penitentiary or men's reformatory''. In addition to this the law was amended to provide that prostitution and resorting to houses of ill fame for the purpose of prostitution shall be deemed felonies, and ''also all other public offenses committed by females if the offense . . . constitutes a felony when committed by a male''.²³⁵

CODE REVISION

Section 5093-a8 of the *Code of 1927* provides for certain reimbursements to be made by the State Treasurer to persons who have purchased gasoline and paid the regular gasoline tax when such gasoline is to be used for agricultural purposes or in any manner except for the operation of motor vehicles upon the highways of the State. In writing this section certain words were inserted which rendered it meaningless. By an act of the Forty-fourth General Assembly these words were stricken out and others inserted to clarify the meaning. A similar correction was made in Section 4345 of the Code as amended by the Forty-third General Assembly dealing with teachers' pensions. This latter measure is further considered under the subject School Legislation.²³⁶

Section 1063 of the *Code of 1927* contains a list of State officers and designates the bond required of each. Section 313 stipulates the bond of the Director of the Budget, and Section 347 designates the bond of members of the Appeal Board. In the interest of simplicity and compactness Sections 313 and 347 were repealed and the designation of bonds therein mentioned was transferred to Section 1063. No change was made in the content of the law.²³⁷

In Section 7 Chapter 192 of the *Acts of the Forty-third General Assembly* reference was made to Chapter 314-a of

²³⁵ *Acts of the Forty-fourth General Assembly*, Ch. 237

²³⁶ *Acts of the Forty-fourth General Assembly*, Chs. 97, 124.

²³⁷ *Acts of the Forty-fourth General Assembly*, Ch. 205; *Code of 1931*, Sec. 9297.

the *Code of 1927*. There is, in fact, no such chapter in the Code and obviously Chapter 314-a1 was intended. Accordingly, a measure was passed by the Forty-fourth General Assembly to make this correction.²³⁸

Sections 11031-11033 inclusive in the *Code of 1927* were passed by the Thirty-seventh General Assembly in 1917 and were World War measures dealing with a suspension or continuance of legal action against soldiers in service. These sections, being now inoperative, were repealed by the Forty-fourth General Assembly.²³⁹

The Director of the Budget is required to prepare biennially a State appropriation bill and transmit it to the Governor, together with the State budget report and such other explanatory matter as he thinks will be of value to the Governor and to the General Assembly. Several sections of the *Code of 1927* contained restrictions upon appropriations or otherwise failed to harmonize with the budget law. In order to coördinate and harmonize all such provisions, the Forty-fourth General Assembly passed a measure repealing two sections of the Code and amending five other sections, all dealing with appropriations.²⁴⁰

The subject of "Deposit of Public Funds" is dealt with in five different and widely separated places in the *Code of 1927*. To unify and simplify the law on this subject a number of sections of the Code were repealed or amended, and a new chapter was inserted in the *Code of 1931* dealing with this subject and designated as Chapter 352-D1. The new law provides that the Treasurer of State, and of each county, city, town, and school corporation, and each township clerk, county recorder, auditor, sheriff, and clerk of the district court, and each secretary of a school board shall deposit all public funds in their hands in banks which

²³⁸ *Acts of the Forty-fourth General Assembly*, Ch. 170.

²³⁹ *Acts of the Forty-fourth General Assembly*, Ch. 220.

²⁴⁰ *Acts of the Forty-fourth General Assembly*, Ch. 23.

have been approved by the Executive Council, board of supervisors, city or town council, board of school directors, or township trustees respectively. No treasurer or other county officer or township clerk shall be liable for loss of public funds by reason of the insolvency of the depository banks when the funds have been deposited in accordance with this law.²⁴¹

Several sections of the *Code of 1927* dealing with road taxes were amended to repeal provisions of the law which had become inoperative or ineffective. Section 7208 of the Code provided that "Road taxes, except the portion payable in money, may be discharged and road certificates of work done received, as provided by law". This sentence, it was declared, "harkens back to ancient road laws long since repealed, and is now entirely innocuous." In accordance with this view, it was repealed. Similar provisions in Sections 7144, 7212, and 7213 were likewise repealed.²⁴²

In recodifying the school election laws the Forty-third General Assembly, in referring to the Code section to be amended, erroneously inserted the figures 4222-a2 instead of 4223-a2. A bill was passed by the Forty-fourth General Assembly to correct this error.²⁴³

In a measure passed by the Forty-third General Assembly relative to an investigation by the Board of Eugenics, the word "physical" appears twice in the same sentence. Obviously in the second case the word "psychical" should have been used. A measure was passed to correct this error.²⁴⁴

Section 2902 of the *Code of 1924* relative to State aid for county and district fairs contained four sub-sections. This law was amended by the Forty-second General Assembly.

²⁴¹ *Acts of the Forty-fourth General Assembly*, Ch. 2.

²⁴² *Acts of the Forty-fourth General Assembly*, Ch. 180.

²⁴³ *Acts of the Forty-fourth General Assembly*, Ch. 89.

²⁴⁴ *Acts of the Forty-fourth General Assembly*, Ch. 48.

These amendments should have been designated as Section 2902-a1 but in fact the new material was designated and placed in the *Code of 1927* as sub-sections 5 and 6 of Section 2902. A measure was passed by the Forty-fourth General Assembly to correct this section numbering. No change was made in the content of the law.²⁴⁵

LEGALIZING ACTS

The legislature of Iowa usually enacts a considerable number of legalizing acts during each session. The Forty-second General Assembly in 1927 enacted thirty-one legalizing acts, and the Forty-third General Assembly in 1929 passed fifty such measures. In the Forty-fourth General Assembly, however, the number of such measures was greatly reduced — only twenty legalizing acts having been passed during the session.

Seven acts were passed to legalize and validate the corporate existence, the acts, franchises, rights, and privileges of certain corporations. Acts of this nature were passed with regard to the Keokuk and Hamilton Bridge Company, Keokuk Odd Fellows Building Association, Lutheran Mutual Fire Insurance Association of Burlington, First M. E. Church of Mason City, Pleasant Hill Telephone Company of Mason City, Portsmouth Livestock Shipping Association, and Sherrils Mound Mutual Fire Insurance Company.²⁴⁶

Four acts were passed legalizing proceedings in connection with elections held in the municipalities of Council Bluffs, Missouri Valley, New Hampton, and Traer.²⁴⁷ Three acts were passed to legalize proceedings in certain school districts. One of these legalized the issue of bonds in the Consolidated School District of Bode, another legal-

²⁴⁵ *Acts of the Forty-fourth General Assembly*, Ch. 57.

²⁴⁶ *Acts of the Forty-fourth General Assembly*, Chs. 323, 324, 325, 326, 327, 328, 329.

²⁴⁷ *Acts of the Forty-fourth General Assembly*, Chs. 318, 319, 321, 322.

ized the sale of real estate by the Consolidated School District of Lloyd Township in Dickinson County, and the third legalized a deed executed in the name of the Independent School District of Monona.²⁴⁸

Two measures related to the transfer of county funds. One of these authorized a transfer of \$19,000 from the State insane fund to the pauper's fund in Appanoose County, and the other provided for a transfer of \$9000 from the court expense fund to the pauper's fund in Decatur County.²⁴⁹

Another measure legalized the payment of certain salaries out of the court expense fund in Johnson County. Another legalizing act was necessary to validate certain indebtedness and warrants issued in the sum of \$23,000 for the improvement of waterworks in Missouri Valley.²⁵⁰

An act was passed to legalize and validate all mergers or consolidations of corporations organized to construct or operate bridges, where such corporations in Iowa have attempted to consolidate with corporations organized for a similar purpose in other States.²⁵¹

Another legalizing measure was passed to validate the franchise and corporate existence and rights of corporations organized or purporting to have been organized in cases where there had been a failure to file articles of incorporation in due time, but where the papers had been filed and a certificate issued by the Secretary of State prior to the passage of this act.²⁵²

Several assessors' books and assessment rolls failed to show the proper verification by the officer making the assessment. A measure was passed declaring that all such

²⁴⁸ *Acts of the Forty-fourth General Assembly*, Chs. 330, 331, 332.

²⁴⁹ *Acts of the Forty-fourth General Assembly*, Chs. 315, 316.

²⁵⁰ *Acts of the Forty-fourth General Assembly*, Chs. 317, 320.

²⁵¹ *Acts of the Forty-fourth General Assembly*, Ch. 211.

²⁵² *Acts of the Forty-fourth General Assembly*, Ch. 212.

assessment rolls and books be legalized and of the same force and effect as if all the provisions of the law in regard to signing and verification had been complied with.²⁵³

JOINT RESOLUTIONS

In order to provide a more modern, comprehensive, and adequate body of corporation law a resolution was passed authorizing the appointment of a committee to study the present laws of the State and to recommend to the Forty-fifth General Assembly such amendments or recodification of the corporation law as seems necessary. This committee consists of two members from the House appointed by the Speaker, two members from the Senate appointed by the President of the Senate, the Attorney General, and the Secretary of State, or persons from their staff to be designated by them, and the Code Editor. An appropriation of \$2000 was made to defray the expenses of this committee.²⁵⁴

Because of the increasing cost of government and widespread desire to reduce taxes a joint resolution was passed authorizing the appointment of a committee to study governmental costs. This committee consists of six members: two members appointed from the House — Ed. R. Brown and O. J. Reimers; two from the Senate — E. R. Hicklin and Roy E. Stevens; and two members appointed by the Governor — W. Stuart Gilman and C. W. Huntley. It is the duty of this committee to make a scientific study of governmental costs and to report its findings with recommendations to the Governor not later than November 15, 1932. Members of the committee serve without pay but have their expenses paid. The committee may also “accept contributions or donations from any interested individual, association or organization and expend such funds

²⁵³ *Acts of the Forty-fourth General Assembly*, Ch. 245.

²⁵⁴ *Acts of the Forty-fourth General Assembly*, Ch. 335.

in carrying out its work." An appropriation of \$10,000 was made for the payment of expenses.²⁵⁵

The compensation of officers and employees of the Forty-fourth General Assembly was fixed by a joint resolution which became effective on January 29th, upon publication in two newspapers published in the State, as provided by law. The selection of several additional employees to serve during the session of the Forty-fourth General Assembly was the subject of another resolution.²⁵⁶

Another joint resolution proposed an amendment to the Constitution of the State relative to filling vacancies in the General Assembly. This measure proposes to strike out Section twelve (12) Article three(3) of the Constitution and substitute therefor the provision that the General Assembly "shall, by general law, and in such manner as it may see fit, provide for the filling of vacancies in the membership of either house." This measure, in accordance with the law relative to constitutional amendments, will be submitted to the next General Assembly for its approval.²⁵⁷

Three other joint resolutions were passed by the Forty-fourth General Assembly. Two of these had to do with a constitutional amendment dealing with the road improvement program and are discussed under the subject, "Highways". The third measure dealt with a twenty-five year conservation program, and is discussed under the subject, "Conservation".²⁵⁸

MISCELLANEOUS ACTS

Several acts of special legislation were passed by the Forty-fourth General Assembly. These are of temporary nature or apply to specific subjects, and do not appear in the revised edition of the Code. One of these acts provides

²⁵⁵ *Acts of the Forty-fourth General Assembly*, Ch. 336.

²⁵⁶ *Acts of the Forty-fourth General Assembly*, Chs. 338, 339.

²⁵⁷ *Acts of the Forty-fourth General Assembly*, Ch. 340.

²⁵⁸ *Acts of the Forty-fourth General Assembly*, Chs. 333, 334, 337.

that the necessary amount of revenue for general State purposes as fixed by the General Assembly shall be \$7,-960,000 for each year of the biennium. Each year the Executive Council fixes the rate in percentage to be levied upon the valuation of the taxable property of the State to raise the amount thus prescribed by the General Assembly. These rates are then certified to the auditor of each county.²⁵⁹

The records in the office of the Secretary of State and in the office of the county auditor of Jones County show that certain lands within that county have been held since 1857 by A. F. Walters and his grantees, but that no patent was ever issued by the State to such parties. In order to clear the title to this land the Governor and the Secretary of State were authorized to issue a patent in accordance with the laws.²⁶⁰

In like manner a measure was passed to clear the title to certain lands in Clayton County which were sold by the drainage commission in 1855. No patent ever having been issued by the State to this land, the Governor and Secretary of State were authorized to issue a patent to J. P. Eckart, the present rightful owner.²⁶¹

Authority was also given for the issuance of a patent to certain lands in Clayton County, which have been held by N. A. Gaarde and his grantees since 1858.²⁶²

In another case involving the title of land, a measure was passed authorizing the Omaha, Council Bluffs and Suburban Railway Company to discontinue the operation of a street railway line across the lands of the Iowa State School for the Deaf. Under the provisions of this act the company was directed to clear the railway right-of-way and

²⁵⁹ *Acts of the Forty-fourth General Assembly*, Ch. 243.

²⁶⁰ *Acts of the Forty-fourth General Assembly*, Ch. 251.

²⁶¹ *Acts of the Forty-fourth General Assembly*, Ch. 252.

²⁶² *Acts of the Forty-fourth General Assembly*, Ch. 253.

to return it to the State in substantially its original condition.²⁶³

In counties in which there are three members on the board of supervisors the rotation in office is such that the term of one member expires each year. In Hancock County, however, this method of rotation was not provided for when the number of members was reduced from five to three. A measure was passed by the Forty-fourth General Assembly to extend the term of office of one of the present members one year, so as to make the rotation conform to the regular plan.²⁶⁴

In 1926 a small tract of land in Marion County was conveyed to the State. As a part of the consideration for this conveyance it was agreed that the land should be dedicated as the Flanders-Bixby State Park and as such it should be permanently maintained by the State. Inasmuch as it did not seem advisable to the Board of Conservation to maintain this tract as a State Park, the Forty-fourth General Assembly passed a measure relinquishing title in this land and confirming such title in the original grantors.²⁶⁵

In addition to these acts of a special nature five measures were passed by the Forty-fourth General Assembly which may be classed as miscellaneous since they do not fall directly into any of the classifications here presented.

A measure relative to the reversion and sale of abandoned cemetery lots provides that the ownership or right to an unoccupied lot or half lot shall, upon abandonment, revert to the person or corporation having ownership or charge of the cemetery. Failure to care for a lot for a period of twenty years raises a presumption of abandonment, and abandonment shall be deemed completed by giving notice according to law after the passage of the twenty

²⁶³ *Acts of the Forty-fourth General Assembly*, Ch. 254.

²⁶⁴ *Acts of the Forty-fourth General Assembly*, Ch. 255.

²⁶⁵ *Acts of the Forty-fourth General Assembly*, Ch. 256.

year period. In case of an abandonment, the reversionary owner may resell the lot or half lot and the funds thus obtained shall be used in the care and upkeep of the lots or portions sold.²⁶⁶

Section 10299 of the *Code of 1927* defines certain terms used in connection with the furnishing of labor, material, and service for public improvements. The term "material" as defined in this section was restricted by an act of the Forty-fourth General Assembly, which provided that it "shall not include personal expenses or personal purchases of employees for their individual use". This same measure amended Section 10306 relative to filing claims in case of highway improvements, by adding the provision that no claims filed for credit extended for the personal expenses or purchases of employees shall cause any part of the unpaid funds of the contractor to be withheld. Amendments were also made to Sections 10312 and 10313 dealing with the retention of unpaid funds, and action to determine rights to such fund.²⁶⁷

Another measure of the Forty-fourth General Assembly dealing with the subject of public improvements amended the law relative to filing claims for material and labor. Prior to 1929 such claims were filed with the office "authorized by law to issue warrants in payment of such improvement". This was amended to provide for filing claims "with the office, board or commission authorized by law to let contracts for such improvement". This change was made to clarify the law and to avoid confusion in the payment of these claims.²⁶⁸

Section 10348 of the *Code of 1927* defines certain terms used in the law relative to hotel keepers' liens. The term "hotel" as there defined was amended by the Forty-fourth

²⁶⁶ *Acts of the Forty-fourth General Assembly*, Ch. 207.

²⁶⁷ *Acts of the Forty-fourth General Assembly*, Ch. 208.

²⁶⁸ *Acts of the Forty-fourth General Assembly*, Ch. 209.

General Assembly so as to include "any structure where rooms or board are furnished, whether to permanent or transient occupants". The definition of "patron" was likewise extended to include "any legal occupant of any hotel".²⁶⁹

The law regulating common carriers was amended by the Forty-fourth General Assembly by adding a new section to the Code as Section 8069-d1. This law provides that when shipments are tendered for transportation between points in this State, it shall be the duty of the common carrier, "to route such shipments from shipping point to point of destination over the cheapest available route between such points except in cases where the shipper, in shipping orders or bills of lading, specifically designates a particular route over which it is desired such shipments shall be moved".²⁷⁰

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²⁶⁹ *Acts of the Forty-fourth General Assembly*, Ch. 210.

²⁷⁰ *Acts of the Forty-fourth General Assembly*, Ch. 189; *Code of 1931*, Sec. 8069-d1.

SOME PUBLICATIONS

The Epic of America. By James Truslow Adams. Boston: Little, Brown, and Company. 1931. Pp. 433. Plates. This one volume history of the United States is written in a readable, sometimes epigrammatic, style. That it is different from the usual short history is evident even from a survey of its chapter headings: The Men of Destiny; A Civilization Established; America Secedes from the Empire; The Nation Finds Itself; America Secedes from the Old World; The Sun Rises in the West; The North Begins to Hustle; Manifest Destiny Lays a Golden Egg; Brothers' Blood; The End of the Frontier; The Flag Outruns the Constitution; The Age of the Dinosaurs; and America Revisits the Old World.

This history is especially valuable for the general reader, giving an interpretation of events in an interesting style. It contains an index, but is without annotations or bibliography.

The first chapter in Frederic Jesup Stimson's *My United States* presents a picture of life in Dubuque, Iowa, during the sixties. Stimson's father was then president of the Dubuque and Pacific Railroad, later taken over by the Illinois Central.

The issue of *The American Historical Review* for October, 1931, contains the following articles and papers: *Scottish Popular Football, 1424-1815*, by Francis P. Magoun, Jr.; *The Dissolution of the London Company for Virginia*, by Wesley Frank Craven; and *A View of Cornwallis's Surrender at Yorktown*, by Randolph G. Adams. Under *Documents* Peter S. McGuire contributes *Journal of a Journey to the Westward*. The author of this journal was Silas Chesebrough.

WESTERN AMERICANA

The California Historical Survey Commission has recently published *California County Boundaries*, by Owen C. Coy.

The Archaeology of Randolph County and the Fudge Mound, by Frank M. Setzler, is the chief contribution in the *Indiana History Bulletin* for October, 1931.

Louisiana-French, by William A. Read, has recently been published as number five in the *University Studies*, published by the Louisiana State University.

Fort Fillmore, by M. L. Crimmins, and *Conveyance of Property, The Spanish and Mexican Way*, by Louis H. Warner, are two articles in the October, 1931, number of the *New Mexico Historical Review*.

Verb-Hunting with the Shovel; A Pair of Copper Riddles; and Ohio's Undiscovered Square Mile are three articles dealing with Ohio archaeology, by E. F. Greenman, in *Museum Echoes* for October, November, and December, 1931.

Furs and Forts of the Rocky Mountain West, by A. J. Fynn; and *To the Pike's Peak Country in 1859 and Cannibalism on the Smoky Hill Route*, by Henry Villard, are two of the articles in *The Colorado Magazine* for November, 1931.

The Long Hunters and James Knox Their Leader, by Brent Alsheler; and *Cornelius Darnell and His Application for Revolutionary War Pension*, by Charles R. Staples, are two of the contributions in *The Filson Club History Quarterly* for October, 1931.

Minnesota History for December, 1931, contains the following articles: *The French Regime in the Great Lakes Country*, by Louise Phelps Kellogg; *Grand Portage*, an address by Lawrence J. Burpee; *The Public Land Officer*, by Verne E. Chatelain; and *Pioneer Life and the Press*, by Richard B. Eide.

Among the articles in the December, 1931, issue of *The Oregon Historical Quarterly* the following are of interest to Middle Western readers: *Broughton, Up Columbia River, 1792*, by J. Neilson Barry; *Indian Conditions in 1836-38*, by Nellie B. Pipes; and a fourth installment of *Douglas Expeditions, 1840-41*, by Herman A. Leader.

Mid-America for October, 1931, contains the following articles:

Catholic Beginnings in Southern Illinois: Shawneetown, by Frederic Beuckman; *Thomas Francis Meagher: Montana Pioneer*, by Francis Xavier Kuppens; and *The Great Illinois Village: a Topographical Problem*, by Gilbert J. Garraghan.

Pittsburgh's Part in the Oregon Trail, by Mary M. Sterrett; a concluding installment of *Captain Samuel A. Craig's Memoirs of Civil War and Reconstruction*; *The Rural Chronicle*; and *The Intellectual Life of Pittsburgh, 1786-1836*, by Edward Park Anderson, are articles and papers in the *Western Pennsylvania Historical Magazine* for October, 1931.

The United States and the British Northwest, 1865-1870, by Ruth Ellen Sandborn; *The Northwestern Express and Transportation Company*, by Arthur J. Larsen; and *Soldiering in Dakota Territory in the Seventies: A Communication*, by John E. Cox, are the three articles in the *North Dakota Historical Quarterly* for October, 1931.

The Washington Historical Quarterly for October, 1931, contains several papers and articles, among which are the following: *Chief Seattle and Angeline*, by Clarence B. Bagley; *Remarks on the Constitution of the State of Washington*, by Austin Mires; *The Mysterious Oregon*, by T. C. Elliott; and *Doctor Saugrain Helped Lewis and Clark*, by Edmond S. Meany.

Michigan's Five Million Dollar Loan, by William L. Jenks; *Michigan in 1845*, by George W. Sears; *Reminiscences of Albion College*; *Indians of Oceana*, by Harry L. Spooner; *Reminiscences of Michigan's Delegation at Yorktown Centennial*, by Otis E. McCutcheon; and *About Detroit 100 Years Ago*, by George B. Catlin, are the contributions in the autumn number of the *Michigan History Magazine* for 1931.

Notes Respecting Certain Indian Mounds and Earthworks, in the Form of Animal Effigies, Chiefly in the Wisconsin Territory, U. S., by Richard C. Taylor, reprinted from the *American Journal of Science*, Vol. XXXIV; and *Earthwork Antiquities in Wisconsin Territory*, by John Loeke, reprinted from *House Executive Documents*, 1st Session, 26th Congress, No. 239, and *Senate Documents*,

1st Session, 28th Congress, No. 407, are the two articles in *The Wisconsin Archeologist* for October, 1931.

"*Kentucky Hospitality*" as *Extended by Colonel Richard M. Johnson and His Fellow Citizens*, by Leland Winfield Meyer; *George Washington's Western Kentucky Lands*, by Willard Rouse Jillson; *Leestown—Its Founders and Its History*, an address by Samuel M. Wilson; *Thomas Lincoln's Wedding Outfit*, by O. M. Mather; and *Introduction of Imported Cattle in Kentucky* are some of the contributions to *The Register of the Kentucky State Historical Society* for October, 1931.

The December, 1931, issue of *The Mississippi Valley Historical Review* contains the following articles and documents: *Early Western Magazines for Ladies*, by Bertha-Monica Stearns; *Preëmption—A Frontier Triumph*, by Roy M. Robbins; *The New York Custom-House Controversy, 1877-1879*, by George F. Howe; *Western Railroad Pools*, by Robert E. Riegel; and *From Upper Canada to New York in 1835*, extracts from a diary by William Proudfoot, edited by M. A. Garland.

The *Chronicles of Oklahoma* for September, 1931, includes the following articles and papers: *Why Educate the Indians?*, by P. J. Hurley; *The Cherokee War Path*, by Carolyn Thomas Foreman; *A College Tour*, by T. L. Ballenger; *The Opening of the Cherokee Outlet*, by Joe B. Milam; *When Spaniards Settled—1598*, by Paul Nesbitt; *The California Overland Mail Route through Oklahoma*, by Grant Foreman; and *Chief Pleasant Porter*, by John Bartlett.

The Wisconsin Magazine of History for December, 1931, contains the following articles and papers: *Rollin D. Salisbury, M. A., LL. D., A Biographical Sketch*, by Hiram D. Densmore; *Lincoln Literature, Lincoln Collections, and Lincoln Collectors*, by Albert H. Griffith; *Disintegrating Forces in Wisconsin Politics of the Early Seventies*, by Herman J. Deutsch; and a continuation of *Memoirs of Mary D. Bradford*. Under *Documents* there is a final installment of the *California Diary of Charles M. Tuttle, 1859*. A biographical sketch of Hiram Moore, an early inventor of a combine, appears as a feature of the editorial comment.

The Kansas State Historical Society has begun the publication of a new quarterly — *The Kansas Historical Quarterly*. Kirke Mechem is the editor and James C. Malin associate editor. The first number appeared in November, 1931. It included the following articles and papers: *Pioneer Printing of Kansas*, by Douglas C. McMurtrie; *Freighting: A Big Business on the Santa Fe Trail*, by Walker Wyman; *The First Day's Battle at Hickory Point*, from a diary and reminiscences of Samuel James Reader, edited by George A. Root; *The Military Post as a Factor in the Frontier Defense of Kansas, 1865-1869*, by Marvin H. Garfield; and *Was Governor John A. Martin a Prohibitionist?*, by James C. Malin.

Educational Pathfinders of Illinois, by Edgar DeWitt Jones; *The Story of a Statue*, by Frank E. Stevens; *A Story of Southern Illinois, the Soldiers' Reservation, Including the Indians, French Traders, and Some Early Americans*, by William Nelson Moyers; *The First Airship*, by Eugene C. Elliott; *Development of the Peace Movement in Illinois During the Civil War*, by J. M. Hofer; and *The Repudiation of Lincoln's War Policy in 1862 — Stuart-Swett Congressional Campaign*, by Harry E. Pratt, are articles and papers in the *Journal of the Illinois State Historical Society* for April, 1931. *Some Correspondence of Ninian Edwards*, by Philip D. Jordan; *A Catalogue of Illinois Newspapers in the New York Historical Society*, by Thomas O. Mabbott and Philip D. Jordan; *A Century of Methodism in Carlinville, Illinois*, by Everett R. Turnbull; *Hardin County, Illinois*, by Arthur A. Miles; *First Presbyterian Church, Alton*, by Gilson Brown; and *Why Lincoln Wore a Beard*, by George A. Dondero, are articles and papers which appear in the issue for July, 1931.

The *Indiana Magazine of History* for September, 1931, contains the following papers and articles: *Richard W. Thompson: A Political Conservative in the Fifties*, by Charles Roll; *Stephen S. Harding: A Hoosier Abolitionist*, by Etta Reeves French; *The Fall Creek Tragedy*, by Helen Thurman; and *Manuscripts in Indiana State Library*, by Mildred C. Stoler. Under *Documents* there is an account of the removal of the State capital to Indianapolis, written by Mrs. Isaac Naylor, with a foreword by Mildred C. Stoler, and

letters of Privates Charles N. Cook and Lafayette Ball during the Civil War. *Henry Smith Lane*, by James A. Woodburn; *Samuel K. Hoshour: A Pioneer Educator*, by Albert Ross Williams; *The Negro in Indiana Before 1881*, by Earl E. McDonald; *Medical Educational Institutions in Indiana*, by Murray N. Hadley; *The Terre Haute Literary Club, 1881-1931*, by Lorin C. Halberstadt; and *Political Recollections*, by M. W. Pershing, are the articles in the issue for December, 1931.

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Dubuque Centennial of 1933, by H. G. Langworthy, is one of the articles in the autumn, 1931, number of *Dubuque Business*.

True Tales of Iowa, by Edith Rule and William J. Petersen, recently published by Yelland & Hanes, is a collection of dramatic stories of Iowa for children.

William Boyd Allison, by Earl B. Selzell, is one of the short articles in the *Bulletin of the Grand Lodge of Iowa, A. F. & A. M.* for October, 1931.

The Des Moines Register is printing a series of articles by Harvey Ingham on Iowa and Iowa history. The weekly series on Iowa history, by Hubert L. Moeller, is continued.

Farmstead Development, a series of bulletins dealing with problems of farmstead planning, has recently been issued by the Department of Landscape Architecture, Iowa State College, at Ames.

James H. Lees has prepared a pamphlet entitled *Dodge-Lackey Geography of Iowa*, recently published by Rand McNally & Company. The booklet includes much historical information concerning the State.

A sketch of the life of Fred R. White, chief engineer of the Iowa State Highway Commission, written by Lauren K. Soth, is one of the articles in the October, 1931, issue of *The Alumnus of Iowa State College*.

Indian Occupancy of Iowa, by Edgar R. Harlan; *Has Iowa Any History?*, by Irving Berdine Richman; and *Old Fort Atkinson*

and the Winnebago, by Bruce E. Mahan, are articles in *Midland Schools* for October, November, and December, 1931. These articles are the first three in a series on Iowa history planned for the school year 1931-1932.

An Epic of Early Iowa: Father Treacy's Colonization Scheme, by Gertrude Henderson; *Beginnings of Catholicity in Des Moines*, by Sara McBride; *Sources in Early Iowa Catholic Church History*, by W. G. Kessler; and *Davenport's "First Cross"*, by M. M. Hoffmann, are the four articles in *The Iowa Catholic Historical Review* for October, 1931.

The *Annals of Iowa* for October, 1931, contains the following contributions: *Two Early Issues of the Council Bluffs Press*, by Douglas C. McMurtrie; *The Place-Names of Van Buren County*, by T. J. Fitzpatrick; and a continuation of *Abandoned Towns, Villages and Post Offices of Iowa*, by David C. Mott. A second Index, for Volumes IX to XVI of the *Annals of Iowa*, has recently been issued separately.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

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(The Ohio Social Science Journal, November, 1931).

Domestic Relations Courts in Ohio (Journal of the American
Judicature Society, October, 1931).

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Law and Criminology, November, 1931).

Barr, William M.,

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zine of Industrial and Engineering Chemistry, October,
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Beadle, John A.,

Trace of Man (The Midland, November-December, 1931).

Beer, Thomas,

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1931).

Feeling For It (The Saturday Evening Post, October 10, 1931).

Little Science (The Saturday Evening Post, November 21, 1931).

Manner (The Saturday Evening Post, September 26, 1931).

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Betts, George Herbert,

Outlook for Religious Education (Christian Century, July 8, 1931).

Plateau of Religious Education (Christian Century, September 16, 1931).

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Bethany (poem) (Christian Century, June 24, 1931).

Song (Christian Century, June 17, 1931).

Brown, Bernice,

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Brueckner, Leo John,

Functions of Instruction in Arithmetic (Proceedings and Addresses of the National Education Association, November, 1931).

Brueckner, Leo John (Joint author),

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Burns, Elmer Ellsworth,

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Busse, Florence E.,

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Butler, Ellis Parker,

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- Byerly, Theodore Carroll,
Effects of Breed on Embryo Size in the Domestic Fowl and the Rabbit (Science, November 27, 1931).
- Colegrove, Kenneth W.,
The International Aviation Policy of the United States (The Journal of Air Law, October, 1931).
The Japanese Privy Council (The American Political Science Review, November, 1931).
- Cook, Elizabeth,
Heart's Ease, a Room to Have (The Delineator, October, 1931).
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Raising a Family (Ladies' Home Journal, October, November, December, 1931).
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- Cooper, Harold (Joint compiler),
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- Crawford, Nelson Antrim,
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- Crouch, Parker L.,
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- Crowell, Grace Noll,
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- Dell, Floyd,
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- Dubell, Susan I.,
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- Duncan, Thomas W.,
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- Ellis, Elmer,
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- Engle, Paul (Joint compiler),
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Toward a New Scholarship (Saturday Review of Literature, July 25, 1931).

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- Hackett, Alice Payne,
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Osceola County staged first fair in 1872, in the *Sibley Gazette-Tribune*, September 3, 1931.

The semi-centennial at Burlington, June 1, 1883, in the *Burlington Post*, September 5, 12, 19, 26, October 3, 10, 17, 24, 31, November 7, 14, 21, 28, December 5, 12, 19, 26, 1931.

Lessons in Iowa history, by Hubert L. Moeller, in the *Des Moines Register*, September 14, 21, 28, October 5, 12, 19, 26, November 2, 9, 16, 23, 30, December 7, 14, 21, 28, 1931.

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C. W. Forney traces family back 200 years in history, in the *Thurman Times*, September 16, 1931.

Mrs. Anna Evans came to Iowa in covered wagon, in the *Sioux City Tribune*, September 16, 1931.

Early history of Upper Iowa Conference, in the *Mount Vernon Hawkeye-Record*, September 17, 1931.

W. P. Kearns has large collection of mounted birds and animals, in the *Ringsted Dispatch*, September 17, 1931.

The Eddyville woolen mill, by O. H. Seifert, in the *Eddyville Tribune*, September 17, 1931.

Sketch of the life of C. C. Hamilton, in the *Sioux City Tribune*, September 17, 1931, and the *Sioux City Journal*, September 18, 1931.

First Boone County teacher's institute held in 1863, by C. L. Lucas, in the *Madrid Register-News*, September 17, 1931.

Liquor made Plymouth a "Rowdy Town" in 1878, in the *Mason City Globe-Gazette*, September 19, 1931.

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First Congregational Church of Waterloo is seventy-five years old, in the *Waterloo Courier*, September 20, 1931.

Mrs. Mary Gingery recalls hard life on prairies, by Bessie Viles, in the *Cedar Rapids Gazette*, September 20, 1931, and the *Burlington Hawkeye*, September 27, 1931.

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J. H. Hersam recalls pioneer days, in the *Denison Review*, September 23, 1931.

Reminiscences of Jordan's Grove, by Jackson W. Bowdish, Sr., in the *Springville Era*, September 24, 1931.

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The Des Moines Valley Railroad, in the *Burlington Post*, October 3, 1931.

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Webster County suffered severe depression in 1878, in the *Fort Dodge Messenger & Chronicle*, October 3, 1931.

J. O. Stewart was Linn County pioneer, in the *Cedar Rapids Gazette*, October 4, 1931.

Joseph Killan was early Oregon pioneer, by Fred C. Henson, in the *Cedar Rapids Gazette*, October 4, 1931.

H. D. Snyder of Ottumwa has antique coin collection, in the *Ottumwa Courier*, October 5, 1931.

Life in outdoor Iowa, by H. J. Metcalf, in the *Remsen Bell-Enterprise*, October 7, 1931.

Boone County voted once before it was organized, by C. L. Lucas, in the *Madrid Register-News*, October 8, 1931.

Old program recalls early Eldora history, in the *Eldora Ledger*, October 8, 1931.

Theodore G. Paine family was prominent at Carroll, in the *Carroll Herald*, October 9, 1931.

Fort Dodge Congregational Church observes seventy-fifth anniversary, in the *Fort Dodge Messenger & Chronicle*, October 10, 1931.

Early days about Estherville, in the *Fort Dodge Messenger & Chronicle*, October 10, 1931.

J. S. Dodds tells of old surveys, in the *Ames Tribune*, October 10, 1931.

History of the Dubuque shot tower, in the *Dubuque Telegraph-Herald*, October 11, 1931.

Have Iowans forgotten Allison?, by B. L. Wick, in the *Cedar Rapids Gazette*, October 11, 1931.

Park at Dubuque's Grave, in the *Dubuque Telegraph-Herald*, October 11, 20, 1931.

Mrs. Harriett Brown tells of pioneer experiences, in the *Estherville News*, October 13, 1931.

- Emmet County settlers petitioned for Fort Defiance, in the *Estherville Vindicator and Republican*, October 13, 1931.
- Frank H. Scott, noted Chicago attorney, was born at Tipton, Iowa, in the *Fairfield Ledger*, October 13, 1931.
- The Sioux outbreak of 1862, by Harvey Ingham, in the *Des Moines Register*, October 14, 1931.
- Sioux outbreak led to organization of Northern Border Brigade, by Harvey Ingham, in the *Des Moines Register*, October 15, 1931.
- Sketch of the life of Wells G. Bonner, in the *Des Moines Register*, October 14, 1931.
- Mrs. T. O. Berg tells of pioneer hardships, in the *Estherville News*, October 14, 1931.
- John B. Montgomery served as lawyer and minister, in the *Madrid Register-News*, October 15, 1931.
- The Northern Border Brigade, by Harvey Ingham, in the *Estherville News*, October 15, 1931.
- William Loudon is early settler of Jefferson County, in the *Fairfield Ledger*, October 16, 1931.
- Early settlers of Emmet County, in the *Estherville News*, October 16, 1931.
- The Spirit Lake Massacre, by Harvey Ingham, in the *Des Moines Register*, October 16, 1931.
- Henry Lott was renegade frontiersman, by Harvey Ingham, in the *Des Moines Register*, October 17, 1931.
- History of the First Congregational Church of Newton, by Henry Silwold, in the *Newton News*, October 17, 1931.
- John E. Lamb came to Woodbury County in 1851, in the *Sioux City Journal*, October 18, 1931.
- First band in Buena Vista Township organized in 1875, in the *Newton News*, October 19, 1931.

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Sketch of the life of John C. Loper, in the *Marshalltown Times-Republican*, October 20, 1931.

Luther College celebrates seventieth anniversary and receives \$72,000 in gifts, in the *Decorah Journal*, October 21, 1931.

Julien Dubuque's Grave, by Richard Herrmann, in the *Dubuque Catholic Daily Tribune*, October 21, 1931.

C. R. Davis of Attica has large Indian collection, in the *Knoxville Journal*, October 22, 1931.

Sketch of the life of Mrs. Mary Nichols, by Betty Allen, in the *Cedar Rapids Gazette*, October 22, 1931.

Find unique quilt depicting pioneer days, in the *Sioux City Tribune*, October 23, 1931.

Birth of Morningside College, by Mrs. E. E. Lewis, in the *Sioux City Journal*, October 25, 1931.

Sketch of the life of Mrs. Mary Houghton, in the *Council Bluffs Nonpareil*, October 25, 1931.

Early railroads in Iowa, in the *Burlington Hawkeye*, October 25, 1931.

Sketch of the life of David A. Haggard, by June A. Corey, in the *Upper Des Moines (Algona) Republican*, October 28, 1931, and the *Kossuth County (Algona) Advance*, October 29, 1931.

Early teachers boarded about with pioneers, by Mrs. Roy Campbell, in the *Harlan Republican*, October 29, 1931.

Jay S. Newcomer has large antique collection, in the *Hardin County (Eldora) Ledger*, October 29, 1931.

Sketch of the life of George Swezey, in the *Marengo Pioneer Republican*, October 29, 1931.

Coal company started railroad, in the *Hardin County (Eldora) Ledger*, October 29, 1931.

Judge Joseph J. Clark is eighty years of age, in the *Mason City Globe-Gazette*, October 31, 1931.

Wildecat currency issued in Davenport back in 1857, in the *Davenport Democrat*, November 1, 1931.

Sketch of the life of David Sands Wright, in the *Cedar Falls Record*, November 2, 1931.

Tomahawk found near Pierson, in the *Sioux City Journal*, November 2, 1931.

Sketch of the life of Isaac N. Snook, in the *Fort Madison Democrat*, November 3, 1931, and the *Osceola Tribune*, November 10, 1931.

Find Indian remains near Fort Dodge, in the *Bancroft Register*, November 5, 1931, and the *Whittemore Champion*, November 11, 1931.

Pioneer days in western Iowa, in the *Carroll County* (Coon Rapids) *Enterprise*, November 6, 1931.

Inkstand made from first Butler County courthouse, in the *Waterloo Courier*, November 5, 1931.

Big well or gusher flooded Belle Plaine in 1886, in the *Belle Plaine Union*, November 5, 1931.

Old Grand Opera House in Des Moines rang with Dolliver's speeches, by Harvey Ingham, in the *Des Moines Register*, November 5, 1931.

Gardner Cowles describes old schoolhouse, in the *Kossuth County* (Algona) *Advance*, November 5, 1931.

W. W. Kirk came to Worth County in 1862, in the *Mason City Globe-Gazette*, November 9, 1931.

Brookhart and Cole will attempt to secure refund of Tama Indian money, in the *Cedar Rapids Gazette*, November 9, 1931.

Early Buchanan County roads centered at Quasqueton, in the *Independence Conservative*, November 11, 1931.

Early days in Kossuth, by M. De L. Parsons, in the *Upper Des Moines* (Algona) *Republican*, November 11, 1931.

Jefferson Methodist Episcopal Church is seventy-five years old, in the *Jefferson Herald*, November 11, 12, 1931.

N. M. Mestead recalls massacre near New Ulm, Minnesota, by Mrs. C. E. Eikenbary, in the *Clear Lake Reporter*, November 12, 1931, and the *Northwood Anchor and Index*, November 19, 1931.

Old water mills in Iowa, in the *Dyersville Commercial*, November 12, 1931.

Chariton Presbyterian Church celebrates seventy-fifth anniversary, in the *Chariton Herald*, November 12, 1931.

Bradford Academy founded in 1865, in the *Sumner Gazette*, November 12, 1931.

Great iron posts marked Iowa-Missouri boundary, in the *Bedford Free Press*, November 12, 1931.

I. J. Rice unearths Indian burial ground, in the *Onawa Democrat*, November 12, 1931.

W. S. McCaull presented Oklahoma petition for statehood, in the *Garden Grove Express*, November 12, 1931.

Sketch of the life of George E. Leach, in the *Cedar Rapids Gazette*, November 13, 1931.

Early days in Rockwell, in the *Mason City Globe-Gazette*, November 14, 1931.

Home of Hardin Nowlin, pioneer legislator, still stands, in the *Waterloo Courier*, November 15, 1931.

Clayton County courthouses fifty years old, by Florence Clark, in the *Cedar Rapids Gazette*, November 15, 1931.

Sketch of the life of Mrs. David B. Henderson, in the *Waterloo Courier*, November 18, 1931, and the *Dubuque Telegraph-Herald*, November 22, 1931.

Sketch of the life of August Reading, Civil War veteran, in the *Davenport Democrat*, November 18, 1931.

O. W. Smith finds *Atlas* of 1857, in the *Hopkinton Leader*, November 19, 1931.

Mrs. Emily Peabody was early Iowa settler, in the *Onawa Democrat*, November 19, 1931.

Levi C. Traul, pioneer, fought in Civil War, in the *Ottumwa Courier*, November 21, 1931.

Nicholas Brown built first flour mill in Linn County, in the *Cedar Rapids Gazette*, November 22, 1931.

Marengo and Williamsburg were bitter rivals for county seat, in the *Cedar Rapids Gazette*, November 22, 1931.

Benton City was once a flourishing town, by Bessie Viles, in the *Cedar Rapids Gazette*, November 22, 1931.

St. Mark's Episcopal Church at Waterloo is seventy-five years old, in the *Waterloo Courier*, November 22, 1931.

Site of first Boone death marked, in the *Des Moines Tribune*, November 23, 1931.

Sketch of the life of J. D. Edmundson, in the *Des Moines Tribune*, November 23, 1931.

Sketch of the life of John F. Deems, in the *Des Moines Tribune*, November 24, 1931, and the *Burlington Gazette*, November 24, 1931.

Sketch of the career of Senator H. W. Spaulding, in the *Grinnell Herald*, November 24, 1931.

G. M. Thompson recalls hardships of pioneer days, in the *Inwood Herald*, November 26, 1931.

Mrs. Ada G. Sherwood tells of early Cornell College, in the *Mount Vernon Hawkeye Record*, November 26, 1931.

Sketch of the life of Polly Welton Hatch, in the *Paullina Times*, November 26, 1931.

Flour mill at Northwood in early days, in the *Mason City Globe-Gazette*, November 28, 1931.

Marietta had many courthouses, in the *Marshalltown Times-Republican*, November 28, 1931.

Clark E. Kinney was probably last survivor of Northern Border Brigade, in the *Marshalltown Times-Republican*, November 28, 1931.

Stage coach days at Nine Mile House, in the *Des Moines Tribune*, November 28, 1931.

Shiloh Methodist Church was built in 1846, in the *Burlington Hawkeye*, November 29, 1931.

Monroe County needs new history, in the *Albia News*, December 1, 1931.

The "depression" in 1857, in the *De Witt Observer*, December 3, 1931.

Prairie City man has old clock, in the *Prairie City News*, December 3, 1931.

Old Fort Atkinson now in State park, in the *Carroll Herald*, December 3, 1931.

Sketch of the life of Patrick L. Devaney, Cascade's last Civil War veteran, in the *Dubuque Herald*, December 5, 1931.

Indian burials near Hamburg, by Paul Travis, in the *Council Bluffs Nonpareil*, December 6, and the *Waterloo Courier*, December 18, 1931.

First Baptist Church of Clinton is seventy-five years old, in the *Clinton Herald*, December 7, 1931.

Sixteen Iowa counties have Indian names, in the *Cedar Rapids Gazette*, December 7, and the *Oskaloosa Herald*, December 28, 1931.

Bringing the Potawatami to Iowa, by Harvey Ingham, in the *Des Moines Register*, December 8, 1931.

Sketch of the lives of Mr. and Mrs. W. D. Boies, in the *Sheldon Mail*, December 9, 1931.

Sketch of the life of Montgomery Meigs, in the *Keokuk Gate City*, December 9, 1931.

Pioneer belles had melodeons, in the *Clarion Monitor*, December 9, 1931.

The "key" hoax at Whittemore in the *Whittemore Champion*, December 10, 1931.

Historic spots at Lewis, in the *Elliott Graphic*, December 10, 1931.

Memories of Iowa City, by Mrs. M. Etta Coxe, in the *North English Record*, December 10, 1931.

Sketch of the life of Charles August Fieke, in the *Davenport Democrat*, December 10, 1931.

History of Highland, by Mrs. J. A. Day, in the *Afton Star-Enterprise*, December 10, 1931.

The story of Father De Smet, by Harvey Ingham, in the *Des Moines Register*, December 11, 1931.

Sketch of the life of Mrs. Mary Wootten, in the *Burlington Gazette*, December 12, 1931.

The story of Johnny Green, by Harvey Ingham, in the *Des Moines Register*, December 12, 1931.

Rickardsville was settled by French and English, in the *Dubuque Herald*, December 13, the *Waterloo Courier*, December 14, and the *Iowa City Press-Citizen*, December 18, 1931.

Guttenberg was lumber center, in the *Burlington Hawkeye*, December 13, 1931.

Limestone quarry near Vinton was important for building, in the *Cedar Rapids Gazette*, December 13, 1931.

Early history of Centerville, in the *Centerville Iowegian*, December 14, 15, and the *Albia Republican*, December 17, 1931.

Sketch of the life of Earl Bronson, in the *Manchester Democrat-Radio*, December 15, and the *Emmetsburg Democrat*, December 17, 1931.

Kendall Young was pioneer in Webster City, by B. C. Mason, in the *Webster City Journal*, December 16, 1931.

Iowa Indians before the white men came, in the *Marshalltown Times-Republican*, December 17, 1931.

Early history of Maloy, in the *Blockton News*, December 17, 1931.

Historical sketch of Okoboji lakes, by Hattie Elston, in the *Spencer News*, December 17, and the *Milford Mail*, December 24, and the *Spirit Lake Beacon*, December 31, 1931.

Courthouse war in Sioux County, in the *Alton Democrat*, December 18, and the *Hawarden Chronicle*, December 24, 1931.

History of the *Clinton Herald*, in the *Clinton Herald*, December 18, 1931.

Sketch of the life of J. H. Rothrock, in the *Cedar Rapids Gazette*, December 18, 1931.

F. G. Weeks made clipping history of Carson, in the *Council Bluffs Nonpareil*, December 20, 1931.

Captain L. V. Cooley still runs wood-burning steamer on Mississippi River, in the *Fort Dodge Messenger & Chronicle*, December 21, 1931.

First Odd Fellows Lodge in Hardin County is seventy-five years old, in the *Marshalltown Times-Republican*, December 21, 1931.

Sketch of the life of W. P. Payne, in the *Nevada Journal*, December 22, 1931.

W. B. Ankeny has record of Civil War days, in the *Corning Press*, December 24, 1931.

Early history of Conrad, in the *Conrad Record*, December 24, 1931.

Story of the Hobo Convention, in the *Moville Mail*, December 24, the *Davenport Democrat*, December 28, and the *Mason City Globe-Gazette*, December 31, 1931.

Sketch of the life of Matt M. Joyce, in the *Emmetsburg Democrat*, December 24, 1931.

The hedge fence boom, by Cal Ogburn, in the *Winterset Madisonian*, December 24, 1931.

Sketch of the life of Thomas A. Cheshire, in the *Grinnell Register*, December 24, 1931.

Story of Indian reservation at Tama, in the *Reinbeck Courier*, December 25, 1931.

Reminiscences of Mrs. M. A. Shane, in the *Coon Rapids Enterprise*, December 25, 1931.

Opinions on Black Hawk, by Cyrenus Cole, in the *Des Moines Register*, December 26, 1931.

Sketch of the life of C. M. Rudesill, in the *Fort Dodge Messenger & Chronicle*, December 26, 1931.

Poweshiek County courthouse was built in 1857, by Ray Anderson, in the *Cedar Rapids Gazette*, December 27, 1931.

Edward Schroeder, Jr., composer of "Indian Lament", in honor of Dubuque's centennial, in the *Dubuque Telegraph-Herald*, December 27, 1931.

Clayton County's courthouse is one of the oldest in Iowa, in the *Dubuque Telegraph-Herald*, December 27, 1931.

Sketch of the life of Dr. George Royal, in the *Des Moines Tribune*, December 28, and the *Nevada Journal*, December 28, 1931.

History of Baptist Church at Washington, by Frank R. Sage, in the *Washington Journal*, December 28, 1931.

Sketch of the life of Dr. George W. Webster, born in Winneshiek County, Iowa, in the *Cresco Times*, December 30, 1931.

Taming Mayfields hogs, by J. S. Banker, in the *Osceola Sentinel*, December 31, 1931.

Fairfield Baptist Church celebrates ninetieth anniversary, in the *Fairfield Ledger*, December 31, 1931.

Sketch of the life of Nickolas Bogaards, by W. D. Gaass, in the *Pella Chronicle*, December 31, 1931.

HISTORICAL ACTIVITIES

The Illinois State Historical Society held a meeting at the Auditorium Centennial Memorial Building, Springfield, on December 3, 1931. Frederic L. Paxson delivered an address on "Washington and the Western Front, 1753-1795".

On October 23, 1931, the Missouri Historical Society sponsored an illustrated lecture by Dr. George T. Moore. The subject was "Henry Shaw and His Garden". At the meeting held on November 20, 1931, Paul W. Brown gave an address on "The River Steamboat: A Western Invention".

The Virginia Historical Society celebrated its hundredth anniversary at Richmond on December 29, 1931. The first meeting was called by Dr. Jonathan P. Cushing, and Chief Justice John Marshall was the first president of the new society. The October, 1931, issue of *The Virginia Magazine of History and Biography* contains a history of the society, which was formerly called the Virginia Historical and Philosophical Society.

The Thirteenth Annual Indiana History Conference was held at Indianapolis on December 11 and 12, 1931. This Conference includes the Society of Indiana Pioneers, the Indiana Historical Society, the State Historical Bureau, and the History Section of the Indiana State Teachers' Association. Anton Scherrer was the chief speaker at the luncheon and Claude H. Bowers at the dinner of the Indiana Pioneers. The programs included the following speakers: R. C. Ballard Thurston, "Colors Carried by George Rogers Clark's Regiment in the Illinois Campaign"; Paul M. Angle, "Lincoln Memorial Highway; Some of Its Possibilities"; Denzil Doggett, "The Spring Mill Water Wheel"; Mrs. Harvey Morris, "Some Early Indiana Newspapers"; Mrs. Kate Milner Rabb, "Adventures in History in Old Newspapers"; John F. Cady, "Beginnings of the Baptist Church in Indiana"; William W. Sweet, "Churches as the Moral Courts of the Frontier"; and

Judge James A. Collins, "The Juvenile Court Movement in Indiana".

The American Historical Association held its Forty-sixth Annual Meeting at Minneapolis, on December 28, 29, and 30, 1931. Two programs of particular interest to Iowans were also held under the auspices of the Mississippi Valley Historical Association which met in connection with the American Historical Association. Beverley W. Bond, Jr., President of the Mississippi Valley Historical Association, presided at a dinner and joint meeting of the Association with the Agricultural History Society on December 28th. The Twenty-fifth Annual Meeting of the Mississippi Valley Historical Association, to be held at Lincoln on April 28-30, 1932, was discussed by John D. Hicks of the University of Nebraska. Thomas J. Wertenbaker of Princeton University gave an address on the influence of labor costs in American history and Frederic L. Paxson of the University of Wisconsin spoke on the surplus in agriculture.

A joint session of the Mississippi Valley Historical Association and the American Historical Association was held at the University of Minnesota on Tuesday morning, December 29th. Solon J. Buck of the University of Pittsburgh presided. The following papers were read: "The Red River Valley and the War of 1812", by John Perry Pritchett, University of North Dakota; and "Minnesota, the Federal Land Policy, and the Republican Party", by Verne E. Chatelain, Washington, D. C.

Among the many papers read before the American Historical Association the following were of particular interest to students of the Middle West. "The Relations of Immigration to Some of the Fundamental Factors of American Life: Expansion, Sectionalism, Democracy, Puritanism", by Marcus L. Hansen of the University of Illinois; "Large Scale Farming in Illinois in the 1850's and 1860's", by Paul W. Gates, Bucknell University; and the "Government Policy with Respect to Missions among the Indians", by Grace Lee Nute of the Minnesota Historical Society.

IOWA

The Marshall County Historical Society held a meeting at Mar-

shalltown on November 18, 1931. Don K. Hoopes gave an address on present economic conditions.

The supervisors of Crawford County have arranged for some glass cases for the historical relics which have been collected by the Crawford County Historical Society.

On September 23, 1931, the United States Daughters of 1812 unveiled a monument marking the grave of Montgomery Warren McCall, a veteran of the War of 1812, who is buried in the Elk Rapids Cemetery.

A tablet taken from the gable of an old mill at Iowa Falls has recently been placed in a large boulder on the lawn of the city hall. The tablet bears the inscription "Estes, Larkin & Stevens, proprietors James Harrigan & Co. Builders 1857".

The Iowa Catholic Historical Society held a meeting at Des Moines on November 18, 1931. The program included papers by T. J. McCarthy, Charles F. Griffith, and M. M. Hoffmann. William F. Riley was elected president to succeed Judge Martin J. Wade. It was decided that the next meeting of the society should be at St. Ambrose College, Davenport.

The Union County Historical Society met at Lorimor on November 19, 1931. W. S. Carey was elected president for the ensuing year; L. C. Bowers, vice president; Mrs. Richard Brown of Creston, secretary; Mrs. V. L. Erickson, treasurer; and T. G. Hamilton, curator. George A. Ide was made "president emeritus". Edgar R. Harlan, Curator of the Historical Department, gave an address on "Union County".

The week of May 28 to June 3, 1933, has been selected as the date for a centennial celebration of Dubuque's history. This date commemorates the transfer of the title of the land in eastern Iowa from the Indians to the United States government. The date when this cession went into effect was June 1, 1833. A replica of Dubuque as it was in 1835 will be the center of the celebration and a pageant will present the various phases in its history. Dr. H. G. Lang-

worthy is the chairman in charge of the celebration and J. C. Collier is vice chairman.

THE STATE HISTORICAL SOCIETY OF IOWA

The State Historical Society of Iowa has recently received from C. P. Lee of Iowa City a box of letters, newspapers, clippings, and other papers of the Civil War period. The letters were written by J. W. Lee while a soldier in the Union army.

Through the courtesy of the family of the late Senator Jonathan P. Dolliver, the State Historical Society has recently received a valuable collection of his correspondence and documents. This gift includes nearly one hundred letter files containing official correspondence, a complete collection of Senator Dolliver's speeches and addresses, and twenty scrap-books of clippings. Senator Dolliver died on October 15, 1910. He served in the national House of Representatives from 1888 to 1900 and in the United States Senate from 1900 to 1910.

The following persons have recently been elected to membership in the Society: Mrs. Irvin Bleeker, Ackley, Iowa; Miss Laura M. Moffett, Gowrie, Iowa; Miss Helen O. Stoddard, Maquoketa, Iowa; Mr. Stephen A. Swisher, Jr., Des Moines, Iowa; Miss Leona L. Soehren, Blue Island, Illinois; Mr. James A. Storing, Elwood, Iowa; Mr. John R. Coleman, Davenport, Iowa; Mr. G. A. Drew, Des Moines, Iowa; Mrs. Bertha Lincoln Heustis, Dubuque, Iowa; Miss Ava L. Johnson, Des Moines, Iowa; Mrs. Ray W. Mix, Danville, Iowa; Mr. Henry Ristine, Cedar Rapids, Iowa; Mr. W. H. Ahlbrecht, Tama, Iowa; Mrs. H. J. Mayer, Iowa City, Iowa; Dr. F. P. Ralston, Harvey, Iowa; and Dr. Frederick C. Schadt, Williamsburg, Iowa. The following persons have been enrolled as life members: Mr. Ivan L. Pollock, Iowa City, Iowa; Mr. Frank Reyburn, Pocahontas, Iowa; Mr. C. C. Gardner, Wellman, Iowa; Mr. R. G. Popham, Marengo, Iowa; and Mr. Edwin J. Stason, Sioux City, Iowa.

NOTES AND COMMENT

Edgar R. Harlan, Curator of the Historical Department, was the chief speaker at a meeting of the Mahaska County old settlers at Oskaloosa on October 5, 1931.

The National Society of the United States Daughters of 1812 has placed a marker on the grave of Robert Lucas at Iowa City. Lucas was the first Governor of the Territory of Iowa.

Professor L. B. Schmidt of the Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa, will return to the University of Alabama for the first term of the Summer School of 1932 to give courses in American history and international relations.

A five-acre park which includes the grave and tomb of Julien Dubuque was dedicated on October 18, 1931. The program included an address on Julien Dubuque by Richard Herrmann, an address by Judge Bonson, the story of the Sac and Fox Indians by George Young Bear, and some tribal dances by Indians from Tama.

Mr. E. J. Stout, now a graduate student at the State University of Iowa, is making a collection of folk lore which has come into Iowa between the early settlement of the State in the 30's and 40's and the opening of the present century. His collection already contains a surprising amount and variety of folk lore.

Fort Defiance State Park, near Estherville, was dedicated on October 15-17, 1931. Speeches by Governor Dan W. Turner, W. E. G. Saunders, Harvey Ingham, and W. S. Johnston were included in the program. A large display of pioneer relics was also a feature of the event. The park contains 190 acres and includes the site of the fort built for the protection of settlers at the time of the Sioux outbreak in Minnesota.

The Iowa State Teachers Association held its annual convention at Des Moines on November 11-14, 1931. One of the episodes of the convention was the presentation to Governor Dan W. Turner of

one of the copies of Blashfield's painting "Westward" which the Association has had made for use in the schools. An interpretation of the picture by Henry Turner Bailey is furnished with the reproductions of the painting.

The old settlers of Mills, Pottawattamie, and Fremont counties held their annual tri-county reunion at Malvern on September 10, 1931. The following officers were elected for the ensuing year: Collier Boston of Malvern, president; Fred Durbin of Malvern, secretary; W. Dye of Macedonia, vice president for Pottawattamie County; W. P. Wortman of Malvern, vice president for Mills County; and John Dills of Randolph, vice president for Fremont County; and F. G. Weeks of Carson, historian.

CONTRIBUTORS

JACOB A. SWISHER, Research Associate in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for July, 1931, p. 458.)

THE STATE HISTORICAL SOCIETY OF IOWA

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INDIANS AND THE STEAMBOATS ON THE UPPER MISSISSIPPI

Late in the fall of 1811 the steamboat *New Orleans* was launched at Pittsburgh and began her hazardous voyage down the Ohio River. All along the route the settlers gazed at the craft with mingled wonder and astonishment. Her arrival at Cincinnati precipitated a riot in the lower end of town. So great was the fear that it was several hours before the more timid dared return to their homes. After proving to a crowd of skeptics that it was possible to go up as well as downstream the *New Orleans* continued on her way. She was forced to hold over two weeks at Louisville to await a favorable rise of water that would make it possible to pass the falls of the Ohio, but she finally managed to effect a passage and reached New Orleans on January 8, 1812.

During the next five years less than a score of steamboats were built on the Ohio and Mississippi rivers and the mortality rate was very high. It was not until August 2, 1817, that the *General Pike* arrived at St. Louis, the first craft to make her way above the mouth of the Ohio. During 1818 there were several arrivals of steamboats at St. Louis and from that time on the number gradually increased. Late in May, 1819, the steamboat *Independence* arrived at Franklin and Chariton, Missouri, with a cargo of flour, whisky, sugar, and iron castings. This was the first time a steamboat turned a wheel on the muddy Missouri. The following month the *Western Engineer* stemmed the Missouri to Council Bluff, and in the spring of 1820 she ascended the Mississippi to the foot of the Des Moines or Lower Rapids.

On April 21, 1823, amid cries of farewell and the good wishes of those gathered on the levee at St. Louis, the steamboat *Virginia*, Captain John Crawford commanding, set out upstream with a cargo of government supplies for the posts on the Upper Mississippi. Built at Wheeling, Virginia, in 1819, the sturdy 109 ton stern wheeler was 118 feet long and 18 feet 10 inches broad. Her depth was 5 feet 2 inches. The swift current and the numerous snags and sandbars which obstructed the channel made her progress extremely slow. With the exception of the forts along the way, Louisiana, Missouri, was the last outpost of civilization before Prairie du Chien was reached. Many people thought the *Virginia* would never return.

Among the passengers were Major Lawrence Taliaferro, the Indian Agent at Fort Snelling, and Giacomo Constantine Beltrami, the Italian exile and explorer. The passage to Fort Snelling was, in Beltrami's opinion, "an epoch in the history of navigation. It was an enterprise of the boldest, of the most extraordinary nature; and probably unparalleled." Another passenger was Great Eagle, a Sauk chief, who had been prevailed upon to board the *Virginia* while his less fortunate fellow tribesmen made their way along the banks of the river to their home. A short distance above Quincy, Illinois, the pilot of the steamboat and Great Eagle quarreled because the pilot insisted on taking a certain channel, while the Indian recommended another. When the boat struck a sandbar Great Eagle, in disgust, plunged into the stream, swam ashore, and joined his fellow tribesmen who were making their way along the bank.

At Fort Edwards Great Eagle and his band were found "exchanging furs with the traders of the South-West Company." The banks of the Des Moines River, Beltrami observed, were "inhabited by the Yawohas (Iowa), a savage people who have been almost entirely destroyed by the

Sioux.” After being pleasantly entertained by the officers of the fort, the visitors continued their journey. The *Virginia* was almost dashed to pieces in attempting to ascend the Des Moines Rapids but finally succeeded in squeezing through, after a large part of her cargo had been removed.

Staring Indians greeted the *Virginia* on every hand as she puffed upstream against the current. At Fort Armstrong her arrival was heralded by four discharges of cannon, while the Indians paid the same compliment with their muskets. Beltrami visited the Fox village on Rock River and was entertained with music, dances, and games. Another Fox village was observed six miles above the Rock Island Rapids on the Iowa side. Farther on, Beltrami noted a place called the Death’s Head, “a field of battle where the Foxes defeated the Kikassias, whose heads they fixed upon poles as trophies of their victory.” This was at Têtes des Morts Creek, a short distance below the present site of Dubuque. The intrepid Italian had to resort to a bribe of whisky in order to obtain permission to visit the lead mines formerly worked by Julien Dubuque.

Upon leaving the mines the *Virginia* wound her way through a country of ever increasing beauty and grandeur. A deserted Fox village was seen on the banks of the Turkey River. A short distance above the mouth of Yellow River stood a rock, painted red and yellow every year, which the Indians looked upon with veneration. At the present site of Winona, the mighty Sioux chief, Wabasha, came on board with his warriors and the pipe of peace was passed around. A terrific squall struck Lake Pepin as the *Virginia* was plowing through and it was only by means of expert navigation that the boat was able to wallow her way to safety. Some Indians, gazing in astonishment from the banks, were the only witnesses to this thrilling and almost fatal incident. Finally, on May 10, 1823, the *Virginia*

nosed her way into the St. Peter's [Minnesota] River and came to a well-earned rest under the frowning cliffs upon which Fort Snelling had been built.

"I know not what impression the first sight of the Phœnician vessels might make on the inhabitants of the coast of Greece;" writes Beltrami, "or the Triremi of the Romans on the wild natives of Iberia, Gaul, or Britain; but I am sure it could not be stronger than that which I saw on the countenance of these savages at the arrival of our steam-boat.

"When they saw it cut its way without oars or sails against the current of the great river," he continued, "some thought it a monster vomiting fire, others the dwelling of the Manitous, but all approached it with reverence or fear."¹

To make matters worse the *Virginia* was not discovered until she had entered the mouth of the St. Peter's River. The Indian women and children immediately took to the woods but the men exhibited more courage and only moved off a short distance from the shore where they watched the boat land. The passengers aboard the *Virginia* were regarded as almost supernatural by the Indians. When everything was quiet, the Indians came up to the *Virginia* and stood looking at the intruder. "All at once", related Philander Prescott, the Indian interpreter at Fort Snelling, "the boat began to blow off steam, and the bravest warrior could not stand this awful roaring, but took to the woods, men, women and children, with their blankets flying in the wind, some tumbling in the brush which entangled their feet as they ran away — some hallooing, some crying, to

¹ Beltrami's *A Pilgrimage in Europe and America*, Vol II, pp. 198-200; Perkins and Peck's *Annals of the West*, pp. 592, 593; *Cincinnati Times-Star*, August 6, 7, 8, 1929; Petersen's *The "Virginia", the "Clermont" of the Upper Mississippi*, in *Minnesota History*, Vol. IX, pp. 347-362.

the great amusement of the people on board the steamboat.''²

Steamboats played an important part in the relations of the whites and the Indians for almost half a century, and the red men soon became accustomed to the puffing, panting craft as they went up and down the Mississippi River. They even found courage to travel on the steamboats and looked on with characteristic apathy while troops, supplies, and furs were loaded or unloaded from the boats.

The Indian, however, seldom traveled alone by steamboat, but factors other than fear and distrust were responsible for this. Only on rare occasions did the Indian have funds to procure a passage; the desire for whisky, generously diluted with river water, proved more tempting to his fancy. Moreover, by the time the steamboat had become common, the reservation system and the trading house, both under the close supervision of the Indian Agent, tended to discourage travel by the red men.

Despite this fact, the Indian played an important rôle, both directly and indirectly, in developing steamboating on the Mississippi River and its tributaries. Steamboating was stimulated directly by the necessity of transporting delegations to treaty grounds, by the delivery of annuity goods as provided by these treaties, and by the ultimate removal of whole tribes to new reservations. Each of these processes severed a link in the claim of the Indian to the lands and stimulated the advance of white settlers into the Upper Mississippi Valley.

Steamboat captains were constantly on the alert to secure contracts for transporting Indian delegations. To facilitate the administration of Indian affairs, a law had been enacted as early as 1793 authorizing the President to appoint Indian Agents. It was the duty of these Agents to

² *Chronicle and Register* (St. Paul), April 6, 1850.

supervise and regulate the Indian trade, settle disputes among the various tribes and between the Indians and white men, and finally to persuade the red man to cede his lands and move farther west. Of all the Agents in the Upper Mississippi Valley, none were more active than William Clark, Henry R. Schoolcraft, Joseph M. Street, and Lawrence Taliaferro, who inscribed their names on a score of treaties. Each conducted his Indian wards on steamboats to councils held along the Mississippi and its tributaries and even to distant Washington.³

Prior to the Black Hawk War most of the councils in the Upper Mississippi Valley were called at some point near a military post. Fort Crawford and Fort Armstrong were favorite treaty grounds. The Sioux and Chippewa, Sauk and Fox, Menominee, Iowa, and Winnebago, as well as a portion of the Ottawa and Potawatomi were assembled at Prairie du Chien for the Great Council of 1825. Most of these tribes reassembled at Fort Crawford in 1829 and again in 1830. At Fort Armstrong treaties were made in 1822, 1832, and 1836. Indeed, the gradual recession of the Indians can be measured by the points at which the treaties were signed. In 1842, the Sauk and Fox gave up all claim to land in the Territory of Iowa by a treaty signed at Agency, six miles east of Ottumwa, Iowa. Nine years later, in 1851, the Sioux ceded large tracts of land in the Territory of Minnesota at Traverse des Sioux and Mendota.⁴

These councils in the west were never restricted to solemn and dignified gatherings of the chiefs and head men: the whole tribe attended. Braves came accompanied by their squaws and dirty-faced papooses. Old men and

³ Gallaher's *The Indian Agent* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XIV, pp. 27 *et seq.*

⁴ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II (Treaties), pp. 202, 272-277, 297, 300, 305, 345, 349, 474, 476, 546, 588, 591.

women, bent and withered with age, hobbled about the treaty grounds and scolded crossly at the slightest pretext. Even the dogs, half-starved from lack of food, accompanied the tribe. These barked incessantly during the day and howled so dismally at night that the Indian orators called attention to their pitiful condition, the better to illustrate their own sad plight.⁵

The Indians who lived close to the treaty grounds came by canoe, on horseback, or on foot. The more distant tribes were usually conveyed by steamboat. On July 1, 1830, the *Planet*, commanded by Captain Butler, arrived at Galena, Illinois, from St. Louis with some three hundred Sauk, Fox, Iowa, and Oto Indians. A small delegation of Missouri, Sioux, and Winnebago also swarmed over the decks of the diminutive *Planet*, crowding her from stem to stern. This motley aggregation was bound for Prairie du Chien under the supervision of Commissioners William Clark and Colonel Willoughby Morgan. After two weeks of negotiations with the northern tribes, an agreement was finally reached on July 15, 1830, by which a neutral strip forty miles in width was created in what is now northern Iowa and southern Minnesota. Shortly afterwards the Indians returned to their homes on Captain Joseph Throckmorton's *Red Rover*.⁶

Despite accounts found in contemporary newspapers of the palatial appointments and speed of Upper Mississippi craft the journeys of the Commissioners, clerks, and interpreters were seldom pleasant. In 1829 Caleb Atwater, a resident of Ohio, was appointed Commissioner, to act with Brigadier General John McNeil and Colonel Pierre Menard. After a tiresome journey down the Ohio and up the Mississippi Atwater finally reached St. Louis where he

⁵ Atwater's *Western Antiquities*, pp. 239-241, 298, 303, 333.

⁶ *Miner's Journal* (Galena), July 3, 24, 31, 1830; Kappler's *Indian Affairs, Laws and Treaties*, Vol. II (Treaties), p. 305.

busied himself for days in securing quantities of food and supplies. These he sent on by steamboat as quickly as they were purchased. When all was in readiness Atwater boarded the steamboat *Missouri*, Captain John Culver, and set out for Prairie du Chien. Almost a week was consumed by the *Missouri* in reaching the Lower Rapids. Here the journey was abruptly interrupted by the low stage of the water. While making his way on foot along the river from Fort Edwards to the head of the rapids, Atwater found many of the packages forwarded several weeks before scattered along the bank and exposed to the elements. A large part of these were stowed aboard Captain Throckmorton's *Red Rover* which lay at the head of the Lower Rapids, hopefully waiting for a cargo with which to return upstream.⁷

Fort Armstrong was not reached until noon of the third day. Here a delegation of two hundred Winnebago surrounded Atwater and demanded "flour, hog meat, and whisky". Eleven barrels of flour, several barrels of pork, two hundred pipes, and a plentiful supply of tobacco appeased their anger and the *Red Rover* continued upstream. Learning at Galena that an unprecedented number of Indians had gathered at Fort Crawford, Atwater purchased an additional five hundred bushels of corn.⁸

The Indians at Prairie du Chien greeted the Commissioners warmly. "As soon as we were discovered by our red friends, a few miles below the fort, opposite to their encampment", related Atwater, "they fired into the air, about fifteen hundred rifles to honor us. Our powder had become wet, and, to our extreme mortification and regret, we could not answer them by our cannon. Having fired their arms, some run on foot, some rode on their small

⁷ Atwater's *Western Antiquities*, pp. 171, 224-227, 230-234.

⁸ Atwater's *Western Antiquities*, pp. 237-239.

horses furiously along over the prairie to meet us where we landed." The *Red Rover* departed downstream for the remaining annuities as soon as her cargo was discharged.⁹

Orations were followed by unrestrained feastings; murders were interspersed with favorite Indian games. All the tribes appeared contented, save the Winnebago whose chief grievance was that \$20,000 in annuity goods had not been delivered. They demanded that this debt be wiped out before the government enter into new obligations. Low water had delayed the delivery of these annuities, but this explanation did not placate the Winnebago who, even after the goods did arrive, threatened to murder every white man present. At this crucial moment the two chiefs, Keokuk and Morgan, appeared with two hundred Sauk and Fox warriors and began their war dance for the United States. They informed the unruly Winnebago that thirty steamboats with cannon and troops and four hundred of their own warriors were close at hand. This silenced the Winnebago and brought the negotiations to a close. The successful termination of the treaty of 1829 may be attributed to the timely arrival of the long delayed annuities and Keokuk's extravagant fabrication of the approach of thirty steamboats with troops.¹⁰

To avoid a repetition of such incidents the government inaugurated the policy of transporting small delegations to Washington. There, the limited number of orators would tend to bring the negotiations to a quick conclusion. The amount saved on food and presents, it was estimated, would actually pay the cost of transportation, and the bewildered Indians would be overawed by the prosperity and power of the government. All these factors, it was hoped, would

⁹ Atwater's *Western Antiquities*, p. 239.

¹⁰ Atwater's *Western Antiquities*, pp. 241-243; *Miner's Journal* (Galena), October 10, 1829, February 20, 1830; Kappler's *Indian Affairs, Laws and Treaties*, Vol. II (Treaties), pp. 297, 300.

hasten the extinction of Indian land titles and work to the advantage of the white man.

The payments to steamboat captains formed no small portion of the expenditures for such delegations. William Clark's estimate of expenses in taking his delegation of Sauk, Fox, Iowa, and Piankashaw Indians to Washington in 1824 was \$2,908.80. Included in the party was one Agent, three interpreters, one servant, one hired man, and eighteen Indians. Transportation from St. Louis to Washington required \$1,231.75 while provisions and tavern expenses amounted to \$772.74 more. At the same time Lawrence Taliaferro estimated \$857.23 for transporting his Sioux, Chippewa, and Menominee Indians from St. Peter's to Washington. He figured \$482.00 for transportation, \$149.84 for provisions, \$199.00 for hired men, \$24.39 for sundries, \$19.00 for presents, and \$13.00 for medicine. It would be difficult to explain this difference. Still more confusing is Taliaferro's estimate of \$2,992.00 for the journey home, especially when \$150.00 of this was needed to make the trip from Prairie du Chien to Fort Snelling. The difference can hardly be attributed to up and downstream tariffs.¹¹

A trip to Washington was, for the Indian, like the first visit of the country boy of that day to the big city. But it was no easy task for the Indian Agent. Even aboard the steamboat it was necessary to be constantly on the alert to prevent the Indian from securing fire-water. Vigilance had to be redoubled whenever the steamboat landed and the Indians went ashore. On one occasion, Marcpee, a Sioux from the Fort Snelling district, had a bad dream while

¹¹ *Indian Office Files, Letters Received* (1824) (Manuscript in Pension Building, Washington). The expenses for the trip from St. Louis to Washington is contained in William Clark's estimates of expenses. Clark merely adds Taliaferro's total but the latter makes a separate estimate of his expenses for the journey to and from Washington under date of August 5, 1824.

ascending the Ohio River, dived overboard, and swam ashore. He reached St. Charles, Missouri, in safety but there a Sauk dagger thrust changed the course of his journey to the happy hunting grounds.¹²

Amusing incidents were without number. In 1831 Colonel Samuel C. Stambaugh departed from Washington with a group of Menominee warriors. The journey home was to be made after visiting the principal cities of the East. At Philadelphia a theater party was arranged with a special section reserved for the warriors. During the course of the program a gigantic elephant from Siam was led on the stage. The astonished Menominee gave one loud, discordant shriek which almost precipitated a riot. Terrified whites and blacks hastily sought cover. But the Indians were not without a defender, for a local newspaper declared that such a reception was no worse than the custom of fashionable gentlemen in Philadelphia theaters who beat boxes with their canes.¹³

Three delegations of Upper Mississippi Indians went to Washington in 1837. Unknown to the representatives of the American Fur Company who were attempting to force the Sioux to sign certain papers acknowledging their debts, Major Taliaferro arranged with Captain James Lafferty of the steamboat *Ariel* to be at Fort Snelling on a certain day. Luckily for the Sioux, the steamboat was on time and set out downstream promptly before the Fur Company became aware of their departure. At Kaposia the *Ariel* was boarded by Big Thunder and his pipe bearer. The great Wahkoota and his war chief clambered aboard at what is now Red Wing and at the present site of Winona, Wabasha and Etuzepah joined the delegation. Twenty-one Sioux

¹² Neill's *Occurrences In and Around Fort Snelling, From 1819 to 1840*, in *Minnesota Historical Collections*, Vol. II, p. 109.

¹³ *Missouri Republican* (St. Louis), June 7, 1831.

were on the *Ariel* when she reached Galena. An editor described them as a motley and curious set of "varmints". Leaving Galena on August 23, 1837, the *Ariel* made her way down the Mississippi and up the Ohio to Pittsburgh, whence the Indians journeyed overland to Washington.¹⁴

Secretary of War Joel R. Poinsett met the Sioux at Washington. Henry Hastings Sibley, Alexis Bailly, Joseph Laframboise, and Alexander and Oliver Faribault were present to protect the interests of the American Fur Company. After solemn deliberations, a treaty was signed on September 29, 1837, by which the Sioux relinquished all claims to the pine forests of the St. Croix Valley, laying the foundation for the future Territory of Minnesota. The representatives of the Fur Company were able to include a provision whereby a sum of \$90,000 was set aside for the payment of the "just" debts which they claimed the Indians owed them.¹⁵

After viewing some of the wonders of the East the Sioux returned down the Ohio and up the Mississippi to St. Louis where the steamboat *Rolla* was chartered to transport the delegation to Fort Snelling. The Indians left Galena on November 7, 1837, and commenced the last lap of their three thousand mile journey. Suddenly, about twenty miles below Pine River, the flue of the boiler collapsed. The fireman of the *Rolla*, a negro, and a valuable horse were killed but the Sioux escaped without injury and the delegation was safely landed at Fort Snelling the next day.¹⁶

¹⁴ *Northwestern Gazette and Galena Advertiser*, August 26, 1837; *Iowa News* (Dubuque), August 26, 1837; Neill's *Occurrences In and Around Fort Snelling, From 1819 to 1840*, in *Minnesota Historical Collections*, Vol. II, pp. 132, 133.

¹⁵ Neill's *Occurrences In and Around Fort Snelling, From 1819 to 1840*, in *Minnesota Historical Collections*, Vol. II, p. 133; Kappler's *Indian Affairs, Laws and Treaties*, Vol. II (Treaties), pp. 493, 494.

¹⁶ *Northwestern Gazette and Galena Advertiser*, November 11, 1837.

Before the *Rolla* turned her nose downstream Major Taliaferro paid Captain Dwyer \$1450 "for transportation & fare of a delegation of Sioux Indians & their Interpreters & attendants by contract from St. Louis to the Agency at St. Peters." The government paid \$55 per passage for the twenty-six Indians and their attendants aboard the *Rolla* or almost double the amount usually charged for such a trip. Not even the late season would justify such a payment. This sum, added to freight and passage received from other sources, probably yielded the *Rolla* her most profitable trip of the season. Even if Captain William Dwyer had creditors before he reached Fort Snelling he must have left for St. Louis with a light heart.¹⁷

Two other Indian delegations went to Washington in 1837. The Sauk and Fox under Joseph Street signed a treaty on October 21st, relinquishing 1,250,000 acres of Iowa land known as the Second Black Hawk Purchase. Then, on November 1st, the Winnebago, under Agent Thomas A. Boyd, ceded all lands east of the Mississippi together with a portion of the Neutral Strip. Three delegations in one year together with the special annuity goods usually provided for in the treaty brought rich returns to the enterprising steamboat captains.¹⁸

Not all the treaties during this later period were signed at Washington, however. Only about three weeks before Taliaferro set out for Washington with his Sioux "varmints", a treaty was concluded with the Chippewa at St. Peter's whereby they surrendered their choicest lands to the white man. Among the signatories to this treaty were Henry H. Sibley and Hercules L. Dousman of the American Fur Company; J. N. Nicollet, the noted French scientist;

¹⁷ Manuscript receipt dated November 10, 1837, in possession of the Minnesota Historical Society.

¹⁸ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II (Treaties), pp. 495, 498.

and Joseph Emerson, Assistant Surgeon, U. S. A., and owner of the famous slave, Dred Scott.¹⁹

The signing of the treaty of Traverse des Sioux on July 23, 1851, was the prelude to the final extinction of Indian land title in the Upper Mississippi Valley. The steamboat *Excelsior* arrived at St. Paul with Commissioner Luke Lea on board on June 20, 1851, and the next morning proceeded to Mendota where the party was joined by a number of traders and chiefs of the lower Sioux bands. According to a passenger, the Sioux managed "to conform here on the boat without murmuring to our pernicious habit of eating three meals a day." A drove of cattle and a supply of provisions were taken on board at Mendota to furnish subsistence for the Indians expected at the treaty.

Leaving Mendota, the *Excelsior* steamed over to Fort Snelling where Governor Alexander Ramsey came on board. But a company of dragoons who were to accompany the commission as a guard was not ready and the *Excelsior* departed without them. Among the passengers were James M. Goodhue, the first editor in Minnesota, and Frank B. Mayer, a Maryland artist whose famous painting of the Treaty of Traverse des Sioux is preserved to this day. On July 20th, the *Dr. Franklin No. 1* brought a party from St. Paul to witness the signing of the treaty. The year 1851 marks the last time a large body of Indians was carried by steamboat as delegates to sign a treaty in the Upper Mississippi region.²⁰

¹⁹ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II (Treaties), p. 491; Neill's *Occurrences In and Around Fort Snelling, From 1819 to 1840*, in *Minnesota Historical Collections*, Vol. II, pp. 132-135.

²⁰ *Galena Daily Advertiser*, July 9, 11, 29, August 2, 13, 1851; Hughes's *The Treaty of Traverse des Sioux in 1851*, in *Minnesota Historical Collections*, Vol. X, Pt. 1, p. 103; Kappler's *Indian Affairs, Laws and Treaties*, Vol. II (Treaties), p. 588; Hughes's *Old Traverse des Sioux*, pp. 33 *et seq.* The material is from the original notes of James M. Goodhue written expressly for the *St. Paul Pioneer*.

More prosaic but also more important was the transportation of Indian annuities. Each year goods were despatched to the various tribes along the Upper Mississippi, providing a choice cargo for those who were successful in getting contracts to deliver them. While the movement of delegations and tribes usually required but one trip, the traffic in annuities called for many trips to the points designated.

Prior to 1823 presents were brought each year by keel-boat. In 1821, the keel boat *Amelia* stopped at the mouth of the Upper Iowa River where Major Taliaferro was visited by Chief Wabasha and a band of seventy-eight men. After explaining the views of the government, Major Taliaferro gave the "respectable" Wabasha a present which brought "visible" pleasure to his eyes. For the year ending June 30, 1821, the Sioux and Chippewa received \$2,227.74 in presents. These consisted of tobacco, powder, bar lead, Chinese vermilion, verdigris, gun flints, shot guns, blankets, blue and red stroudings, Selem pores calico, thread, needles, brass kettles, garden hoes, fine combs, box wood fire steels, scissors, butcher knives, looking glasses, gartering, ribbon, finger rings, Madras handkerchiefs, shirts, arm bands, wrist bands, and other trinkets. Although the value of these presents was small they proved a tempting bait which brought the desired effect. His appetite whetted, the Indian asked for more and it was then but a short step to the actual sale of lands. Following the voyage of the *Virginia* and before the coming of the railroad, the steamboat was the sole means of transporting annuity goods.²¹

The great majority of the Indian treaties provided for a cession of land. As a consideration for this cession the

²¹ *Taliaferro Journal* (Manuscript in possession of the Minnesota Historical Society), No. II, May 28 and June 30, 1821; Kappler's *Indian Affairs, Laws and Treaties*, Vol. II (Treaties), pp. 200, 207, 208, 250 *et seq.*

government made what it believed to be a just evaluation of the land and specified the method of payment. The chiefs were granted certain sums in cash. Provision was also made for the payment of the half-breeds. Then the "just" debts of the Indians to the white men — usually the fur companies — were assumed by the government. A large amount usually remained, however, and the government agreed to invest this sum for the Indians and pay them the interest for a period of years. In general, this interest was applied to (a) agriculture, (b) education, (c) goods and provisions, (d) cash. This yearly delivery of annuity goods purchased with the interest on invested capital brought high profits to steamboat captains.

Eastern markets furnished a considerable portion of the goods brought to the Upper Mississippi but it was bustling St. Louis which claimed the lion's share of the trade. Indeed, Atwater observed in 1829 that the Indian Department had expended millions of dollars in St. Louis. While the entire western country was included in this commerce no small share belonged to the Upper Mississippi. In the thirties, especially, with Sauk and Fox, Winnebago and Potawatomi, Chippewa, Sioux, and other tribes gradually giving way before the westward tide of immigration, treaties called for an ever increasing shipment of annuities. Four tribes alone were supplied annually with goods valued at \$218,910. The Sioux received \$40,510, the Sauk and Fox \$85,540, while the Winnebago rejoiced over annuities valued at \$92,860.²²

²² Atwater's *Western Antiquities*, p. 220; *Senate Documents*, 28th Congress, 1st Session, No. 242, p. 3.

In 1851 the Treaty of Traverse des Sioux stipulated that the upper and lower bands should receive a total of \$3,075,000. The upper bands were to receive \$1,665,000 to be paid as follows: money for the chiefs, \$275,000; money for agricultural purposes, \$30,000; \$1,360,000 to be held in trust by the government and five per cent interest paid the Indians annually for a period of fifty years commencing on July 1, 1852. This interest amounted to

The importance of the Indian trade is further illustrated by a comparison with the commerce from the white settlements on the frontier. "About \$80,000", declared a St. Paul newspaper in 1852, "has been paid out to the lower bands of Indians in accordance with the treaty stipulations for the purchase of their land; also about \$20,000 worth of goods. The Governor has gone to Traverse des Sioux, where he is to meet the upper bands of Indians, and will pay them, it is said, over \$300,000. The effect of the payment is easily observed in St. Paul. The merchants are reaping a rich harvest. The Indians are as plentiful in town as mosquitoes in summer; but they are more welcome, for they bring the cash, while mosquitoes settle their bills in another way." The trade at St. Paul in general merchandise during the year 1853 was estimated at \$390,000. This represented the goods purchased by the citizens of St. Paul and by white settlers throughout the surrounding country. But the government trade during the same year amounted to fully \$400,000.²³

Each flourishing community between St. Louis and St. Paul made strong bids for a portion of this trade and often received a generous share. For a long time Galena played a leading rôle, but in the decade preceding the Civil War other river towns cut deeply into her trade. In 1857 Davenport and the surrounding territory in Iowa furnished goods for the Sioux of the Minnesota River to the value of \$28,000.²⁴

Until the steamboat was established as a means of commerce, \$68,000 a year and was applied as follows: agriculture, \$12,000; education, \$6,000; goods and provisions, \$10,000; money, \$40,000. The lower tribes were to receive \$1,410,000 which was divided in much the same way as that of the upper tribes.—Hughes's *Old Traverse des Sioux*, pp. 175–177; Hughes's *The Treaty of Traverse des Sioux in 1851*, in *Minnesota Historical Collections*, Vol. X, Pt. 1, pp. 112–115.

²³ *The Minnesotian* (St. Paul), November 20, 1852, April 2, 1853.

²⁴ *The Daily Pioneer and Democrat* (St. Paul), April 30, 1857.

munication with points on the Upper Mississippi it was not possible to deliver huge quantities of annuities at the very doors of the tribes. In 1824 provision was made to convey the Sauk, Fox, and the Iowa goods only as far as St. Louis. Later treaties called for the transportation of goods to designated points on the Upper Mississippi. In 1829, the Winnebago were to receive immediately \$18,000 in specie and \$30,000 in goods and presents at Prairie du Chien and Fort Winnebago. Three thousand pounds of tobacco and fifty barrels of salt were also to be delivered annually for a period of thirty years at the same points. The requisite amount of iron, tools, and steel required by a blacksmith also called for annual shipments during the next three decades. Three years later, the Winnebago were granted additional annuities for a period of twenty-seven years. At the same time the Black Hawk Purchase provided that annuity goods be delivered yearly at the mouth of the Iowa River. Both treaties specified that the government defray the cost of transportation.²⁵

Steamboats frequently ascended the various tributaries of the Mississippi to deliver their cargoes. In 1837 the treaty with the Chippewa called for the transportation of annuities to a spot near Stillwater on Lake St. Croix. But long winded Congressmen, inefficient departmental employees, the stage of the water, and the season of the year often delayed the delivery of annuity goods. These factors, together with an inherent dislike of the Indian for work, often led to distressing hardships.

In July, 1838, Levi W. Stratton, a St. Croix lumberman, was on board the *Palmyra* on the first steamboat trip up the St. Croix. His description of the delivery of annuities may be quoted at least in part:

²⁵ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II (Treaties), pp. 208, 209, 301, 346, 349, 492.

The crew and passengers of the Palmyra had been greatly annoyed by Indians, who expected their first payment in July, and besieged the boat in great numbers, demanding it at the hands of the first whites who had come up the river, unable to understand the difference between the regularly constituted authorities and those immigrants who had nothing to do with the payments. It was not until the first week of November that their goods came for payment. The place where Stillwater now stands was selected as the place where they should assemble.

The old stern wheel Gipsev brought the goods and landed them on the beach. The Chippewas came there to the number of 1,100 in their canoes, nearly starved by waiting for their payment. While there receiving it the river and lake froze up, and a deep snow came on; thus all their supplies, including one hundred barrels of flour, twenty-five of pork, kegs of tobacco, bales of blankets, guns and ammunition, casks of Mexican dollars, etc., all were sacrificed except what they could carry off on their backs through the snow hundreds of miles away. Their fleet of birch canoes they destroyed before leaving, lest the Sioux might have the satisfaction of doing the same after they left.

Many of the old as well as the young died from overeating, they being nearly starved. Thus their first payment became a curse rather than a blessing to them, for their supplies soon gave out, the season for hunting was past, they were away from home and had no means of getting there, except by wading through the deep snow. Many perished in the attempt. As is usual in such cases, I suppose, no one was to blame, but the poor Indians had to suffer the consequence of somebody's neglect. The old Gipsev had scarcely time to get through the lake before the ice formed.²⁶

Captain Edwin Bell has given the following account of a trip made a number of years later:

In 1855 I had command of the steamer *Globe*, making trips on the Minnesota river, and in the early fall of that year we carried supplies to the Sioux at Redwood Agency. The Indians would come down the river several miles to meet the boat. They were like a lot of children, and when the steamboat approached they would shout, "Nitonka pata-wata

²⁶ Folsom's *Fifty Years in the Northwest*, p. 98.

washta," meaning, "Your big fire-canoe is good." They would then cut across the bend, yelling until we reached the landing.

In the fall of that year, 1855, their supplies were late, when I received orders from Agent Murphy to turn over to the Indians twelve barrels of pork, and twelve barrels of flour. As soon as we landed, we rolled the supplies on shore. I was informed that the Indians were in a starving condition. It was amusing to see five or six of them rolling a barrel of pork up the bank, when two of our deck hands would do the work in half the time.

When the flour and pork were on the level ground, the barrel heads were knocked in, and the pork cut in small strips and thrown in a pile. Two hundred squaws then formed a circle, and several Indians handed the pieces of pork to the squaws until the pile was disposed of. The flour was placed in tin pans, each squaw receiving a panful.

Later, in the same season we had an unfortunate trip. The boat was loaded deep. Luckily Agent Murphy and Capt. Louis Robert were on board. We had in the cabin of the boat ninety thousand dollars in gold. About three miles below the Agency, we ran on a large boulder. After much effort, we got the boat afloat. Major Murphy gave orders to land the goods, so that they might be hauled to the Agency. We landed and unloaded, covering the goods with tarpaulins. There were about fifty kegs of powder with the goods. While we were unloading, the agent sent for a team to take Captain Robert and himself, with the gold, to the Agency. Then we started down the river. We had gone only a few miles, when we discovered a dense smoke, caused by a prairie fire. The smoke was rolling toward the pile of goods, which we had left in charge of two men. When we reached the ferry at Red Bank, a man on horseback motioned to us to land, and told us that the goods we left were all burnt up and the powder exploded. This was a sad blow to the Indians.²⁷

Late in April, 1857, the *Fire Canoe*, R. M. Spencer commanding, lay at the foot of Lake Pepin loaded with three hundred tons of flour, pork, and lard for the Indian Agency at Redwood. This consignment, a part of a contract of \$28,000, had been produced in Iowa. William Wood of

²⁷ Bell's *Early Steamboating on the Minnesota and Red Rivers*, in *Minnesota Historical Collections*, Vol. X, Pt. 1, pp. 92, 93.

Davenport, a member of the firm of Wood and Barclay of St. Paul, was the successful bidder for these annuities. The *Fire Canoe* arrived at the St. Paul levee on May 6, 1857, with two barges in tow and 1800 barrels of flour, 600 barrels of pork, 100 barrels of lard, and 3000 bushels of corn. The voyage to Redwood took thirteen days and the Indians were almost starved when the *Fire Canoe* arrived. Averaging barely fifteen miles per day upstream, the *Fire Canoe* returned to St. Paul after an absence of twenty days.²⁸

Not all the Indian tribes of the Upper Mississippi Valley were removed to their new homes by means of steamboats, for many migrated overland, but rich profits were made by the owners whenever the transportation was by steamboat. The removal of the Winnebago during the summer of 1848 was one of the most colorful incidents in upper Mississippi steamboat history. It was a difficult task but if newspaper accounts can be relied upon, the profits accruing to the owners of the *Dr. Franklin* amply repaid them for the work.²⁹

By the treaty of 1846 the Winnebago had agreed to cede their claims and privileges in the Neutral Ground and remove northward to a spot provided by the government. A strip of land at the mouth of the Crow Wing River was finally designated. Since over two thousand Winnebago were involved in this transfer a detachment of troops from Fort Atkinson was ordered to accompany them. Five hundred head of cattle were taken along for subsistence and three hundred teams were needed to carry the baggage which made up this Indian camp. At Wabasha's village the party was to be picked up by steamboat and carried as

²⁸ *The Daily Pioneer and Democrat* (St. Paul), April 30, May 6, 26, 1857.

²⁹ *Northwestern Gazette and Galena Advertiser*, May 23, June 7, 9, 29, July 4, 12, August 1, 1848; *Weekly Northwestern Gazette* (Galena), October 5, 1849.

far as St. Paul, but when the Indians assembled at the prairie just below Wabasha's village, they refused to move another foot. Captain Russell Blakeley has left a report of the episode reading in part as follows:

After the agent had nearly despaired of success, the only alternative left was to send to Capt. Eastman at Fort Snelling for additional troops, which, with a six-pounder, were sent under the command of Lieut. Hall, to see whether he could encourage the fellows to go. In canvassing the situation, Lieut. Hall became suspicious that the chief, Wabasha, whose village was just above the prairie upon the Rolling Stone creek, had in some way encouraged the Winnebagoes not to go. He arrested Wabasha and brought him on board the Dr. Franklin, and chained him to one of the stanchions of the boat on the boiler deck, evidently with the intention of frightening him; but after a short time he thought better of it, and released him. This was regarded as a great outrage to this proud chief, and it was not regarded in favorable light by those having charge of the Winnebagoes, who numbered over two thousand souls, besides Wabasha's band; but it finally passed without trouble. All the men in charge of the Indians were constantly urging them to consent to the removal, and talks were almost of daily occurrence, which would always end in Commissary Lieut. J. H. McKenny's sending down to the camp more flour, sugar, meat and coffee, realizing that when their stomachs were full they were more peaceable.

One morning the troops, agent, and all in charge, were astounded to find the Indian camp deserted; not an Indian, dog or pony was left. The canoes that had brought part of them were gone as well. Everything in camp that could hunt was started to find them. The Dr. Franklin was sent down the river to overtake them if they had gone in that direction, and I think it was three days before they were found. They had taken their canoes and gone down the river to the mouth of the Slough, and thence had gone over into Wisconsin and were comfortably encamped on the islands and shores of the river, but were nearly starved. They promised to return to their camp the next day in their canoes. About ten o'clock the next day those on watch saw them coming out of the head of the Slough some three miles above the steamboat landing. It was one of our beautiful summer mornings, with

not a ripple on the water; and when these two thousand men, women, children, and dogs, passed down, floating without even using a paddle, except to keep in the stream, all dressed in their best, they presented such a picture as I have not seen equaled since. They were disposed to show themselves at their best. Lieut. McKenny met them at their camp with provisions, and the old *status quo* was reëstablished.

The Winnebago were fearful lest the Sioux should object to their removing into their country and it was decided to send the *Dr. Franklin* to St. Paul for the purpose of picking up the principal Sioux chiefs to meet with the Winnebago in council. The Sioux were gathered together and each chief was fitted out from head to foot with a new suit consisting of blue frock coat, leggins, moccasins, silk plug hat, white ruffled shirt, and a small American flag. After several days of orations the Winnebago finally agreed to go. Several trips were required to remove the whole tribe and its equipment.³⁰

Some of the Indians were obdurate and steadfastly refused to remove from their homes and migrate with the rest of the tribe. An old Winnebago settled on the bank of the Wisconsin River, denied all relations to his tribe, and presented three land office certificates for forty acres of land. Despite every effort on his part to remain behind, the *Dr. Franklin* carried him northward.³¹

During the exodus the newspapers in the mining district were filled with reports of the progress of the *Dr. Franklin*. Charges were made that the Winnebago were carried back and forth several times and the government assessed with the cost. The Indians, it would seem, enjoyed the novelty of the steamboat trip and it was said they rode up, dis-

³⁰ *Northwestern Gazette and Galena Advertiser*, July 12, 1848; Blakeley's *History of the Discovery of the Mississippi and the Advent of Commerce in Minnesota*, in the *Minnesota Historical Collections*, Vol. VIII, pp. 382-386.

³¹ *Northwestern Gazette and Galena Advertiser*, July 12, 1848.

embarked, sprang into their canoes and paddled back to Wabasha, a distance of over one hundred miles, in order to enjoy the excellent food and accommodations of the steamboat. Some of the Indians, moreover, remained behind, and in 1849 the *Senator* picked up at Prairie du Chien one hundred Winnebago who had refused to go up the preceding year. They were a motley array of braves, squaws, papooses, lean and battered ponies, dogs, traps, and tin kettles. When the *Senator* reached St. Paul the squaws set to work unloading the goods while their indifferent braves looked on. The following spring Governor Alexander Ramsey was again bitterly assailed for estimating the cost of removing the Winnebago at \$5000 and then demanding \$100,000.³²

The Indians seemed to be strongly attached to those craft which plied regularly in the trade. They were especially fond of such steamboats as the *Lynx*, the *Otter*, the *Osprey*, and the *Argo*. Indeed, when the *Argo* sank in 1847, they felt it was as much their loss as the owners'. "It became known", related Captain Blakeley, "that we had bought the Dr. Franklin, called by them the *Great Medicine*, before that steamboat arrived. When she landed at Red Wing on her first trip, the traders sung out that the Great Medicine was coming. This cry raised everyone in the village, men, women, and children, and all rushed to the bank of the river and onto the boat, shouting 'How! how! how!'"³³

The arrival of the steamboat at an Indian village was

³² *Weekly Northwestern Gazette* (Galena), October 5, 1849, May 14, June 4, 1850. In defense of Governor Ramsay and Mr. Rice it was pointed out that only those Indians were to be transported "who never have been removed, or who after having been removed have returned with the design of not going back to their new country." Each Indian had to be certified before Governor Ramsay, and those absent temporarily were not to be considered legal prospects.

³³ Blakeley's *History of the Discovery of the Mississippi and the Advent of Commerce in Minnesota*, in the *Minnesota Historical Collections*, Vol. VIII, p. 385.

always a signal for a rush to meet her. On July 16, 1847, Harriet E. Bishop, a woman missionary, arrived at Kaposia on the *Lynx*. "The ringing of the bell", declared this badly frightened servant of the Lord, "occasioned a grand rush, and with telegraphic speed, every man, woman, and child flew to the landing.

"To an unsophisticated eye like mine, the scene on shore was novel and grotesque, not to say repulsive; blankets and hair streaming in the wind; limbs uncovered; children nearly naked, the smaller ones entirely so, while a papoose was ludicrously peeping over the shoulder of nearly every squaw."³⁴

During the removal of the Winnebago an incident occurred which was remembered with the deepest chagrin by the Winnebago for several years. The *Dr. Franklin* was the first boat on the Upper Mississippi to have a steam whistle. On one occasion, after the *Dr. Franklin* had discharged her red passengers the whole tribe gathered on the bank to watch the "Great Medicine" back out. Sensing the possibility for some fun, the engineer, Bill Myers, pulled the cord of the whistle "which gave a terrible screech, and instantly every Indian man, woman, and child jumped, shed their blankets, and rushed for the top of the bank or some place to hide."

This incident made the poor Winnebago the laughing stock of the tribes on the Minnesota River. But in 1851 they had their revenge. When the *Dr. Franklin* went up to Traverse des Sioux, the Winnebago plotted with Captain Russell Blakeley to frighten the Sioux. The *Dr. Franklin* snorted up to the Sioux village under a full head of steam and as the boat touched the shore a hideous blast sent every Sioux flying for cover. Indeed, so great was their fright that the Winnebago poked no little fun at their former

³⁴ Bishop's *Floral Home; or, First Years of Minnesota*, pp. 60, 61.

mockers and thanked Captain Blakeley for squaring accounts.³⁵

Following the uprising of the Sioux in 1862 the government contracted with the Minnesota Packet Company to remove some of the Indians from Mankato to Fort Snelling. The *Flora*, Captain Joseph B. Wilcox, was sent by the packet company to transport the Indians. Commodore William F. Davidson also contracted to remove a part of the Sioux on the *Favorite*.

At Mankato, the *Flora* took aboard several hundred Sioux with their camp equipment and set out down the Minnesota. Near Carver she struck a piling that had been driven there for bridge purposes and sank in about three feet of water. The *Flora* was an open hull boat and much of the Indian equipment which lay in her hold was damaged. Since there were no siphons in those days the ship's carpenter had to repair the break as best he could with his men working up to their waists in water in the hold of the boat. The hole was finally patched and the crew commenced bailing out the water. This was slow work and Captain Wilcox asked the Indians to help, but they refused. "Bill" True, the engineer on the *Flora*, believed he could frighten the Sioux into helping and ordered the firemen to raise steam in the boilers. He then motioned to the Indians to watch him as he dramatically lifted the safety valves. The Sioux trembled but remained firm. Not to be denied, True again appealed to the Great Spirit and opened the mud-drum valves which roared so hideously and shook the *Flora* from stem to stern so violently that the Sioux capitulated and set to work with their huge camp kettles. They quickly tired, however, and it was not long before the braves were seen signaling their squaws to take their places. The

³⁵ Blakeley's *History of the Discovery of the Mississippi and the Advent of Commerce in Minnesota*, in the *Minnesota Historical Collections*, Vol. VIII, pp. 385, 386.

squaws bailed with a will, their dusky mates looking on approvingly, and the *Flora* was soon able to steam to St. Paul.³⁶

The Northern Line secured the contract to carry the Sioux down the Mississippi to Davenport where they were taken to Camp McClellan and occupied a part of the camp later known as Camp Kearny. Here they remained until March 29, 1866, when they were ordered to be removed to Fort Randall, Nebraska. This was perhaps the last time a large body of Indians was transported by steamboat down the Mississippi River.³⁷

The removal of whole tribes does not compare in importance with the transportation of delegations or the delivery of annuities. The three combined, however, were a constant source of profit to steamboats. When the season was dull in the settled areas below the lead mines or when competition became keen, a tramp voyage to Fort Snelling or the tributaries of the Mississippi always brought with it a handsome return. Furthermore, captains became familiar with the channel of the Mississippi and its tributaries, a fact which was to stand them in good stead a little later. More important still, Atwater and other Indian Commissioners wrote glowing accounts of the rich lands of the Upper Mississippi which were eagerly read by the discontented in the more settled areas of the United States and turned the tide of immigration northward.

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³⁶ The writer interviewed Captain John Killeen of Dubuque, Iowa, for the incidents relating to the removal of the Sioux on the *Flora* in 1862. Captain Killeen was then mate on the *Flora*. See also Merrick's *Steamboats and Steamboatmen of the Upper Mississippi*, in the *Burlington (Iowa) Post*, April 17, 1915.

³⁷ *Annual Report of the Commissioner of Indian Affairs*, 1866, pp. 46, 47, 212, 213.

THE CONTRIBUTION OF IOWA TO THE FORMATION OF THE STATE GOVERNMENT OF CALIFORNIA IN 1849

A prominent Iowa newspaper recently reviewed the annual gathering of Iowans who have migrated to California and quoted a message sent to Iowa by the president of the Iowa Association in California, which read in part as follows: "We are proud of our native state, and especially proud of former Iowans who have contributed so materially to California's advancement."¹

While there is a widespread realization that Iowa, like most of the older States, has given much to the Far West, the full extent and real significance of this movement have not yet been traced through the intricate maze of the history of the West. It is hoped that this study will aid in the determination of just how far-reaching this influence has been, by pointing out the fact that former Iowans made a most significant contribution to the formation of State government in California in 1849.

This contribution manifested itself in several ways. The personal element in such a movement is, of course, of major importance, and several outstanding characters exerted great influence in the interest of Iowa tradition. These individuals were able to translate their faith in Iowa into action by the early California conventions, elections, and legislatures, because Iowa preceded California into the Union by only four years, and because of the great similarity of the problems and issues surrounding the assumption of statehood by these two frontier Commonwealths. An-

¹ *The Des Moines Sunday Register*, August 10, 1930.

other contribution, and the one which is perhaps most easily and definitely traced, is the extensive use made by the California Constitutional Convention of the Iowa Constitution framed in 1846.

There were in California in 1849 a large number of people who had migrated from Iowa, although, due to Iowa's own youth, no native-born sons of Iowa were numbered among the politically prominent of the far western State. Oftentimes the residence of these men in Iowa had been limited to a few years, but these years had covered the period of the formation of State government. Hence their knowledge of, and interest in, the creation of governmental institutions. Of those Iowans who rose to positions of political leadership in California, several had sat in the Iowa Constitutional Conventions of 1844 and 1846.

One of the members of the California Constitutional Convention of 1849 was George W. Bowie, a lawyer, who had been a member of the Iowa Constitutional Convention of 1846. Although the debates do not indicate that he took a prominent part in the California Convention, his influence in the committees was undoubtedly exerted in favor of following the provisions of the Iowa Constitution with which he was familiar. After his participation in the California Convention he continued to be prominent in State politics for a number of years.²

Another former Iowan who was a member of the California Convention was Henry P. Haun, also a lawyer, who had lived in Iowa about four years and had served as a member of the Iowa Constitutional Convention in 1846. The records do not indicate that Haun played a more important part than did Bowie, but it would seem that his influence must have been considerable, since he possessed political leadership sufficient to make him immediately

² Davis's *History of Political Conventions in California, 1849-1892*.

prominent in State politics, culminating in his appointment to the United States Senate in 1859.³

John Bidwell, another Iowan, had taught school in Iowa for a short time, had migrated to California in 1841, and was elected to the California Constitutional Convention of 1849, but for some reason was unable to serve. Bidwell's prominence in State politics is indicated by his election as State Senator in California in 1850 and as a member of the United States Congress in 1864.⁴

Other members of the Iowa Constitutional Conventions who were in California in 1849 and who later rose to positions of political power in that State were John Thompson, Henry Robinson, J. C. Blankenship, David Ferguson, and William H. Galbraith, all of whom had served in the Iowa Convention of 1844, and George S. Berry of the Convention of 1846. To what extent these men influenced the adoption of Iowa political ideas by California in the early days of its State government is, of course, supposition; but because of the prominent positions which they held in both governments in the formative period, their influence can hardly be neglected.⁵

Perhaps the most important man in the California Convention, and by far the most important factor in securing recognition for the Constitution of Iowa, was William McKendrie Gwin. Gwin seems to have had the degree of M. D., is listed by J. R. Browne as a farmer, and his speeches indicate that he had had rather wide political experience in Mississippi, Louisiana, and Texas.⁶ His influ-

³ Davis's *History of Political Conventions in California, 1849-1892*, pp. 26, 55; *Biographical Directory of the American Congress — 1774-1927*, p. 1074.

⁴ Bancroft's *History of California*, Vol. II, pp. 719, 720.

⁵ Bancroft's *History of California*, Pioneer Register and Index at end of Volumes II, III, IV, and V.

⁶ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 479.

ence was estimated by one writer in the following words: "Gwin, however, a southerner of education and experience, seems to have come to California for the express purpose of seeking election to the United States Senate. He had served in Congress, had attained prominence in the Texas agitation, and had sat in the recent Constitutional Convention of Iowa. His experience in deliberative assemblies and knowledge of parliamentary usage gave him superior advantage; and his ability in debate, added to marvelous powers of leadership, gave him exceptional authority as the ablest politician in the Convention."⁷ This may have been an overstatement of his importance, for another writer said:⁸ "As to Dr. Gwin, he had no such preponderating influence in the convention as some modern writers attribute to him. I could name ten members, either of whom might with as much propriety be called the leader in that body. His age and legislative experience gave him some advantage, but he did not carry his measures, any more than other men." Another writer, however, speaking of the

⁷ Hunt's *The Genesis of California's First State Constitution, 1846-1849*, in *Johns-Hopkins University Studies*, Vol. XIII, No. 8, p. 39.

A search for the reason for Gwin's advocacy of the Iowa Constitution has not been successful. Professor Hunt's statement that he had sat in the Convention of Iowa would furnish a reason, but this does not seem to have been the case. The records of the Iowa Constitutional Conventions do not mention Gwin. The records in the Library of Congress do not mention Gwin's activity in Iowa. Miss Hallie McPherson, who has been working on the Gwin *Memoirs* in the Bancroft Library at the University of California, writes under date of September 19, 1930, "Gwin in his *Memoirs* makes no mention of a visit to Iowa, and surviving members of the Gwin family know nothing of his sitting in the Iowa Convention." Professor Hunt writes under date of October 13, 1930, that such notes as he has retained do not indicate the source of his information, and that as it was a minor point in his article, he may have used a secondary authority which was in error. For the present, then, it would seem possible to assume that Gwin's real, and perhaps only, reason for supporting the Iowa Constitution was the one which he gave on the floor of the convention to the effect that he supported the Iowa document "because it was one of the latest and shortest."

⁸ Willey's *The Transition Period of California from a Province of Mexico in 1846 to a State of the American Union in 1850*, pp. 104, 105.

leadership of the convention, supports the first statement when he says: "Of all the members Gwin easily occupies the foremost place."⁹ The debates of the Convention support the contention that Gwin was a prominent figure, and his election to the United States Senate in 1849 indicates that his following extended to the representatives in the State legislature. His advocacy of the Iowa Constitution, then, becomes significant.

In addition to these men who had come to California with the experience of Iowa governmental affairs fresh in their minds, a number of people in the new Territory had come from Oregon, which had recently made extensive use of the Iowa documents and precedents in the organization of its territorial government. Perhaps the most prominent of these Oregon men in the California Convention of 1849 was M. M. McCarver, who took an important part in the debates of the Convention. He usually favored the sections of the Iowa Constitution — though he at times opposed them — but at all times he showed remarkably detailed information regarding Iowa governmental affairs.¹⁰

Aside from the part played by the members of the California Convention favoring the Iowa Constitution, the favorable attitude of the Convention and of the people of California may also have been due to the friendly attitude of the people of Iowa, which was shown in various ways, and was known to the people of California in 1849.

One of the burning questions of the Convention was the status which slavery should occupy in the new State. The action of the Convention was considered most important by

⁹ Fitch's *How California Came into the Union* in *The Century Magazine*, Vol. XL, p. 786.

¹⁰ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, speeches by McCarver. The name of Morton M. McCarver appears in the early history of Burlington, Iowa.— *The History of Des Moines County, Iowa*, pp. 468-472.

other States, and probably caused more comment there, than in California, where it was recognized as dangerous and avoided as much as possible by hopeful politicians. An indication of this feeling in other States is shown by the action of the Iowa State Democratic Convention of 1849, which, after indicating its willingness that California be admitted to statehood, placed itself on record regarding slavery, to the effect that, "inasmuch as the territories of New Mexico and California came to us free, and are free now, by law, it is our desire that they should remain forever free".¹¹ This expression was in apparent accord with the wish of a majority of Californians, but coming from a Democratic Convention, even in a northern State, it is significant.

Iowa Congressmen were generally in accord in their active support of California's effort to gain admission into the Union, but there were some complications. Senator George W. Jones, in reporting to the Senate on July 17, 1850, the action of the State Democratic Convention, indicated his own desire for the admission of California, but due, no doubt, to the expressed desire of his Democratic constituents, he opposed the provisions of the Wilmot Proviso, and he came to a rather uncertain conclusion to his plea, declaring that anxious as he was for the admission of California, he was unwilling that it should be admitted until the question of slavery in the Territories was settled.¹²

Iowa's senior Senator, Augustus Caesar Dodge, probably more truly portrayed the vigorous and unqualified support which the people of Iowa were willing to give to California. In a long and emphatic speech he urged the

¹¹ Pelzer's *The History and Principles of the Democratic Party of Iowa, 1846-1857* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VI, p. 186.

¹² *The Congressional Globe*, 31st Congress, 1st Session, Appendix, Pt. 2, p. 1716.

admission of California, saying that he did not feel that the sectional influences working within the State favored either the slave or the free soil party, and that in view of the neglect of Congress, California was justified in the aggressive action she had taken. He declared that the people of Iowa favored the admission of California as a free State, as did he, himself, but, he asserted, they were not fanatical over the issue. He closed his speech by saying, "so help me God, if the people of California had sent their constitution here without anything said in it about slavery, I should have voted for it, if it had been the last act of my life."¹³

The extent and strength of the personal influences at work favoring the use of the Iowa Constitution in the drafting of that of California is, perhaps, due in large part to the similarity of the issues which these Commonwealths faced in their fight to form a State government and gain admission into the Union. At the time of the formation of State government in California, the Constitution of Iowa was the most recently formulated of all State Constitutions, although New York had revised her Constitution the same year.

One of the most outstanding of the problems of any new State during that period was slavery. This did not become a direct issue in the Iowa Constitutional Conventions, for it was almost a certainty that Iowa would become a free State. There was, however, some discussion as to whether there should be a specific statement against the institution, and the enfranchisement of negroes drew additional comments. The issue was much more important in California. Twenty-two members of the Constitutional Convention had been born in northern States, while fifteen were born in the South. The other eleven members — seven native Californians, and five of foreign birth — had little sympathy with

¹³ *The Congressional Globe*, 31st Congress, 1st Session, Pt. 1, p. 406.

slavery.¹⁴ Would-be politicians, even if they personally favored slavery, as did the majority of the southern-born members, including Gwin, felt that it was not best to wreck their political hopes by insisting on a pro-slavery provision. It is interesting to note that, though the issue was much more pertinent in California than it was in Iowa, its section on slavery is quoted verbatim from the Constitution of Iowa.

As Iowa had followed very closely the Constitution of New York in the matter of banks and the election of judges, so California followed Iowa. It is interesting to note, in connection with practices now considered archaic, such as lotteries and dueling, that California followed the Iowa provisions very closely.

The older historians of California declared that New York made a greater contribution to the Constitution of California than did any other State. Josiah Royce wrote: "In general character the constitution adopted followed that of the State of New York."¹⁵ Professor Cardinal Goodwin was among the first to point out this error. He indicates that Royce followed a statement made by John Frost in his *History of California*, published in 1857, which contains the statement that the 1849 Constitution of California, "combines the best features of the constitutions of the states east of the Rocky mountains, and is in most respects similar to that of the state of New York." These statements were further supported by Franklin Tuthill, in his *History of California*. He asserted that the Constitution of Iowa was the only one available at the beginning of the Convention, but "as the session advanced, the constitution of New York was oftener consulted, and when the con-

¹⁴ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 478, 479; Fitch's *How California Came Into the Union* in *The Century Magazine*, Vol. XL, p. 785.

¹⁵ Royce's *California*, p. 270.

vention finished its labors their perfected instrument resembled more that of the Empire State than any other.”¹⁶

While these writers were in error in their final conclusion, Tuthill was correct in saying that the New York Constitution was most often referred to in the Convention. A survey of the debates reveals that for the purpose of definite adoption by California, reference was made specifically to the Constitution or some pertinent problem or practice of the State of New York in a total of fifty-two speeches. Iowa was mentioned for this same purpose in thirty-two speeches; Louisiana in twenty-one; Michigan in fifteen; Illinois in twelve; Virginia, Arkansas, Ohio, Mississippi, Wisconsin, Florida, Indiana, Kentucky, Tennessee, Alabama, Texas, Maryland, South Carolina, Maine, Pennsylvania, and Delaware were mentioned several times each; and a number of other States received mention once or twice. The total number of Constitutions available for comparison is indicated by these references, and by Pacificus Ord's remark during a debate on the franchise provision, in which he said that he had looked over thirty Constitutions and had found no reference to the right of franchise in any except that of New York.¹⁷

The Constitution of the United States was also referred to many times, usually, of course, because of the fear that some provision of the State Constitution would be unconstitutional, but some ten or more attempts were made to include some provision of the national document in the State Constitution in a more or less direct form.

From a survey of the debates and the completed Constitution, Professor Goodwin forms the conclusion, that “the constitutions of the United States and of twenty individual

¹⁶ Goodwin's *The Establishment of State Government in California 1846-1850*, p. 241.

¹⁷ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 36.

states were cited during the proceedings of the Conventions, and reference to them was made, in the majority of cases, in such a way as to leave little doubt of their accessibility. . . . The general arrangement of articles is different from that of any of the state constitutions, but resembles that of Iowa more than any other."¹⁸ Facts substantiate this conclusion rather than that of the older historians.

The assumption that New York was more important than Iowa in the Constitutional Convention of California was an easy one to make in view of the large number of times reference was made to the older State. Added to this is the fact that eleven members of the Convention were natives of New York, and four others had lived in New York immediately before coming to California. Of this total of fifteen members, ten had lived in New York at the time that State formed the excellent Constitution of 1846, and had migrated directly to California. Seven members of New York heritage were in the Committee on the Constitution.¹⁹ One of these members, W. E. Shannon, had sat in the New York Convention of 1846, and others showed a detailed knowledge of its proceedings.²⁰ In spite of this significant advantage for New York, the Iowa document took precedence in the completed California Constitution.

The California Constitutional Convention convened at Monterey on September 1, 1849. The work of seating delegates and of organization was completed in a few days, and at the opening of the session on September 5th, M. M. McCarver, formerly of Oregon, representing Sacramento,

¹⁸ Goodwin's *The Establishment of State Government in California 1846-1850*, pp. 237, 238.

¹⁹ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 29, 478, 479.

²⁰ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 84.

moved "That the Convention do now resolve itself into a Committee of the Whole, and take into consideration the Constitution of the State of Iowa, as a basis for the Constitution of California."²¹

William Gwin hastened to explain this motion by saying that he had tried to get a printing press for the use of the Convention, in order that there might be copies of all of the State Constitutions for consideration. He had been unable to do this, but he had secured enough copies of the Constitution of Iowa to furnish each member of the Convention with a copy. Mr. Gwin said he had chosen the Iowa Constitution "because it was one of the latest and shortest." As the Constitution was discussed each member could list in the margin such amendments as he wished.²²

There was some objection to taking any one Constitution for the basis of consideration. H. W. Halleck felt that the New York Constitution contained more admirable provisions than any other he knew. Mr. Gwin replied that he had lived in three States, and had carefully examined every State Constitution. He preferred that of Iowa to any other, and in this preference he had no sectional prejudice, as, indeed, it would seem he did not, for he had lived largely in the South, and was known to favor slavery. It was also suggested that the Iowa Constitution would have to be translated into Spanish.²³

During the following few days, copies of the Constitution of other States were obtained for the use of the committees. On September 7th, in reporting the Bill of Rights, Mr. Gwin, speaking for its adoption, remarked that the first

²¹ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 24.

²² Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 24, 25.

²³ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 25, 29.

eight sections came from New York, while the last eight were from Iowa. In the revision and addition of sections by the Committee of the Whole, the Iowa Constitution gained, thirteen of the twenty-one sections of the article being adopted verbatim from the Iowa Constitution and several others showing a strong Iowa influence.²⁴

On September 10th the debate on the Declaration of Rights had reached the last article, "This enumeration of rights shall not be construed to impair or deny others, retained by the people." Some objections were voiced to this section. The members were admonished by Mr. Botts to remember that they were no longer citizens of New York, Missouri, Iowa, or Michigan, but of California, and were not to copy the Constitutions of other States. Mr. Halleck, who had objected in the beginning to restricting the Convention to the Iowa Constitution, replied that the section had been taken from the Iowa Constitution because of its brevity. In essence, he said, it was contained in four other Constitutions, but he did not believe it could be improved upon, and he hoped it would be adopted. It was.²⁵

In discussing whether the sessions of the legislature should be annual or biennial, it was revealed that most of the newer western States had biennial sessions. It was pointed out that the members of the Iowa legislature holding biennial sessions, received two dollars per day for the first fifty days and one dollar after that. Such a practice was said to be commendable because it was economical, but it was not adopted in California.²⁶

The section requiring that legislative districts be con-

²⁴ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 30, 31.

²⁵ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 51-53.

²⁶ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 77.

tiguous and uniform caused much discussion. One member was opposed to such a practice, considering it useless. He wanted to know if it was contained in any other State Constitutions, and was told that it came from the Iowa Constitution. It was retained.²⁷

The article on State debts was being discussed on September 21st. It had been reported verbatim from the Iowa Constitution, which provided a maximum of \$100,000. It was moved that this sum be raised to \$500,000 in California. Mr. McCarver held that \$100,000 would pay the expenses of the new State government. Iowa, he declared, was able to exist on that amount and most of her lands were public and non-taxable, so why could not California? The sum was raised to \$300,000, however, in the section as adopted.²⁸

The debate on the State boundaries was scattered over several days, and frequent reference was made to the experience of Iowa, as well as to those of other States which had had this problem. Several delegates advocated a huge State, similar to Texas, to include the present States of Nevada and Utah. It was pointed out that Iowa, though her territory was much smaller, had had to wait two years because of the action of northern Congressmen who wanted as many free States as possible. On the other hand, southern Congressmen would not favor a large free State which would exclude slavery from such a large territory. Mr. Semple held that so much territory could not be held permanently, and pointed to the division of the Territories of Louisiana and Missouri. The possibility of boundary disputes with neighboring States and Territories was suggested as being imminent, especially if the area of Cali-

²⁷ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 93, 94.

²⁸ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 166.

fornia was made so large. The sordid events of the Ohio-Michigan and the Iowa-Missouri boundary controversies were recalled.²⁹

Mr. Gwin spoke at length on the comparative status of Iowa and California in regard to the question of boundaries. He said that while Iowa had been granted specific permission to form a State government and California had not, that Congress had never forced a State to change the boundaries proposed for itself in its State Constitution: Iowa had merely contented itself with remaining a Territory until Congress gave assent to its boundaries. Could not California also do this? Mr. Shannon felt that Gwin's argument was not conclusive, for the boundaries of Iowa had not contained nearly so large an area as those contemplated for California. Furthermore, the fact that Iowa had been admitted in 1846 with the boundaries fixed by its second Convention was no indication that California would be so admitted in the slave-free soil controversy then raging in Congress. Each faction opposed any arrangement which might benefit the other.³⁰

The debate on the article concerning the judiciary revealed that most of the speakers were in favor of appointing a commission to report to the legislature on the judicial system. Mr. McCarver thought this plan useless and objectionable. He said that he had lived for five years in Oregon and that Oregon had adopted the entire judicial code of Iowa. Why could not California do this? He did not see why the legislature could not as well take the laws of Iowa or New York for a basis as the report of any commission. The article as adopted, however, shows more deviation from these two Constitutions than any other major

²⁹ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 168.

³⁰ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 197, 198.

article of the Constitution, showing the influence of New York to a greater extent than that of Iowa.³¹

During the debate on the cost of engraving the State seal, the sum of \$1000 was suggested, but some thought this too high. Mr. McCarver showed himself remarkably well informed on Iowa affairs. He declared that the mechanic's bill for the Iowa State seal was \$500. He, therefore, defended the cost of the seal, saying that he would not have been surprised if it had been \$2000.³²

The article on education was reported verbatim from the Iowa Constitution. In defense of this, Mr. McCarver said that in determining the amount and in the handling of school funds, Iowa had been the first to place the national fund in the hands of a School Commissioner. Mr. Semple regarded education as of first importance, and said that these sections should be well studied even though they had "been well digested by Iowa".³³ Discussing the article on education at a later time Mr. McCarver said: "My colleague from Sacramento (Mr. Sherwood,) frequently refers to what New York has done. I hope he will not consider it an encroachment, if I refer him to what the State of Iowa has done. She has nobly appropriated all this fund [rents on public lands] for the purpose of education; and if New York had a fund for education such as Iowa, I have no doubt she would as nobly appropriate for the same purpose."³⁴ The adopted article remained, as reported, verbatim from the Iowa Constitution.

³¹ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 300.

³² Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 466.

³³ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 202-204.

³⁴ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, p. 348. W. S. Sherwood had come directly from New York to California.

An examination of the Constitution of California of 1849 with reference to the sections it contains which have been taken from the Iowa Constitution of 1846 is illuminating, as showing the influence of the Iowa document and the extent to which it was used. The Constitution of California, adopted in 1849, is here given in full. Material taken from the Constitution of Iowa, or similar to it, is printed in italics.

THE CONSTITUTION OF CALIFORNIA³⁵ — 1849

We, the people of California, grateful to Almighty God for our freedom in order to secure its blessings, do establish this constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. *All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.* [Iowa Constitution, Art. II, Sec. 1.]

SEC. 2. *All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right [Iowa — at all times] to alter or reform the same whenever the public good may require it.* [Iowa Constitution, Art. II, Sec. 2.]

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a trial by jury may be waived by the parties in all civil cases, in the manner to be prescribed by law.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious

³⁵ The Constitution of California is taken from Poore's *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States*, Vol. II, pp. 195-207. The Constitution adopted by New York in 1846 may also be found in Poore's collection, Vol. II, pp. 1351-1367. For the Iowa Constitution of 1846 see Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 190-212. The numbering of the articles and sections in the Iowa Constitution follows this copy.

belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of *the writ of HABEAS CORPUS*³⁶ shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require [Iowa — it.] its suspension. [Iowa Constitution, Art. II, Sec. 13; New York Constitution, Art. I, Sec. 4.]

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishment be inflicted, nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall [Iowa — before conviction] be bailable by sufficient sureties, unless [Iowa — except] for capital offences, when proof is evident or the presumption great. [Iowa Constitution, Art. II, Sec. 12.]

SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime, (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny under the regulation of the legislature,) unless on presentment or indictment of a grand jury; and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

SEC. 9. Every citizen [Iowa — person] may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. [Iowa Constitution, Art. II, Sec. 7; New York Constitution, Art. I, Sec. 8.]

³⁶ Words in small capitals were in italics in the original Constitution.

SEC. 10. *The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the legislature for redress of grievances.* [Iowa Constitution, Art. II, Sec. 20.]

SEC. 11. *All laws of a general nature shall have a uniform operation.* [Iowa Constitution, Art. II, Sec. 6.]

SEC. 12. *The military shall be subordinate to the civil power. No standing army shall be kept up by this [Iowa — the] State in time of peace; and in time of war no appropriation for a standing army shall be for a longer time than two years.* [Iowa Constitution, Art. II, Sec. 14.]

SEC. 13. *No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.* [Iowa Constitution, Art. II, Sec. 15.]

SEC. 14. *Representation shall be apportioned according to population.*

SEC. 15. *No person shall be imprisoned for debt in any civil action or mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.* [Iowa Constitution, Art. II, Sec. 19.]

SEC. 16. *No bill of attainder, EX POST FACTO law, or law impairing the obligation of contracts, shall ever be passed.* [Iowa Constitution, Art. II, Sec. 21.]

SEC. 17. *Foreigners who are, or who may hereafter become BONA-FIDE residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance [Iowa — descent] of property, as native-born citizens.* [Iowa Constitution, Art. II, Sec. 22.]

SEC. 18. *Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.* [Iowa Constitution, Art. II, Sec. 23.]

SEC. 19. *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons [Iowa — papers] and things to be seized.* [Iowa Constitution, Art. II, Sec. 8.]

SEC. 20. *Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and com-*

fort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court. [Iowa Constitution, Art. II, Sec. 16.]

SEC. 21. *This enumeration of rights shall not be construed to impair or deny others retained by the people.* [Iowa Constitution, Art. II, Sec. 25.]

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. *Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro on the 30th day of May, 1848, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty [Iowa — twenty] days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law: PROVIDED, That nothing herein contained shall be construed to prevent the legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.* [Iowa Constitution, Art. III, Sec. 1, verbatim, plus additional clauses.]

SEC. 2. *Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.* [Iowa Constitution, Art. III, Sec. 2.]

SEC. 3. *No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.* [Iowa Constitution, Art. III, Sec. 3.]

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

SEC. 5. *No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.* [Iowa Constitution, Art. III, Sec. 5.]

SEC. 6. *All elections by the people shall be by ballot.* [Iowa Constitution, Art. III, Sec. 6.]

ARTICLE III.

DISTRIBUTION OF POWERS

The powers of the government of the State of California shall be divided into three separate departments — the legislative, the executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted. [Iowa Constitution, Art. IV, Sec. 1.]

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a senate and assembly, which shall be designated "The legislature of the State of California," and the enacting clause of every law shall be as follows: "The people of the State of California, represented in senate and assembly, do enact as follows."

SEC. 2. *The sessions of the legislature* [Iowa — General Assembly] *shall be annual* [Iowa — biennial], *and shall commence on the first Monday of January* [Iowa — December] *next ensuing the election of its members, unless the governor of the State shall in the interim convene the legislature by proclamation.* [Iowa Constitution, Art. IV, Sec. 2.]

SEC. 3. The members of the assembly shall be chosen annually, by the qualified voters of their respective districts, on the Tuesday next after the first Monday in November, unless otherwise ordered by the legislature, and their term of office shall be one year. [Combined influence of the Iowa Constitution, Art. IV, Sec. 3, and the New York Constitution, Art. III, Sec. 9.]

SEC. 4. Senators and members of the assembly shall be duly-qualified electors in the respective counties and districts which they represent.

SEC. 5. Senators shall be chosen for the term of two years, at the same time and places as members of the assembly; and no person shall be a member of the senate or assembly who has not been a

citizen and inhabitant of the State one year, and of the county or district for which he shall be chosen six months next before his election.

SEC. 6. *The number of senators shall not be less than one-third nor more than one-half of that of the members of assembly [Iowa — the representative body] ; and at the first session of the legislature [Iowa — General Assembly] after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first [Iowa — second] year, so that one-half shall be chosen annually [Iowa — every two years].* [Iowa Constitution, Art. IV, Sec. 6.]

SEC. 7. *When the number of senators is increased, they shall be apportioned [Iowa — annexed] by lot, so as to keep the two classes as nearly equal in number as possible. [Iowa — to one of the two classes, so as to keep them as nearly equal in number as practicable.]* [Iowa Constitution, Art. IV, Sec. 7.]

SEC. 8. *Each house shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.* [Iowa Constitution, Art. IV, Sec. 8.]

SEC. 9. *A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.* [Iowa Constitution, Art. IV, Sec. 9.]

SEC. 10. *Each house shall determine the rules of its own proceedings, and may, with the concurrence of two-thirds of all the members elected, expel a member.*

SEC. 11. *Each house shall [Iowa — sit upon its own adjournments] keep a journal of its own proceedings, and publish the same [Iowa Constitution, Art. IV, Sec. 10] and the yeas and nays of the members of either house on any question shall, at the desire of any three [Iowa — two] members present, be entered on the journal.* [Iowa Constitution, Art. IV, Sec. 11.]

SEC. 12. *Members of the legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest; and they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement and after the termination of each session.* [Influence of Iowa Constitution, Art. IV, Sec. 12.]

SEC. 13. *When vacancies occur in either house, the governor, or the person exercising the functions of the governor, shall issue writs of election to fill such vacancies.* [Iowa Constitution, Art. IV, Sec. 13.]

SEC. 14. *The doors of each house shall be open, except on such occasions as in the opinion of the house may require secrecy.* [Iowa Constitution, Art. IV, Sec. 14.]

SEC. 15. *Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.* [Iowa Constitution, Art. IV, Sec. 15.]

SEC. 16. Any bill may originate in either house of the legislature, and all bills passed by one house may be amended in the other.

SEC. 17. *Every bill which may [Iowa — shall] have passed the legislature shall, before it becomes a law, be presented to the governor. If he approve it he shall sign it, but if not he shall return it, with his objections, to the house in which it originated, which shall enter the same upon the journal and proceed to reconsider it. If, after such reconsideration, it again pass both houses by yeas and nays, by a majority of two-thirds of the members of each house present, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within ten [Iowa — three] days after it shall have been presented to him, (Sundays excepted,) the same shall be a law, in like manner as if he had signed it, unless the legislature, by adjournment, prevent such return.* [Iowa Constitution, Art. IV, Sec. 17.]

SEC. 18. The assembly [Iowa — House of Representatives,] shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present. [Iowa Constitution, Art. IV, Sec. 19.]

SEC. 19. *The governor, lieutenant-governor [Iowa — Auditor,] secretary of state, comptroller, treasurer, attorney-general, surveyor-general, justices of the supreme court, and judges of the district courts shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the [Iowa — this] State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment*

according to law. All other civil officers shall be tried for misdemeanor in office, in such manner as the legislature may provide. [Iowa Constitution, Art. IV, Sec. 20.]

SEC. 20. *No senator or member of assembly [Iowa — Representative] shall, during the term [Iowa — time] for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased, during such term, except such office as may be filled by elections by the people.* [Iowa Constitution, Art. IV, Sec. 21.]

SEC. 21. *No person holding any lucrative office under the United States [Iowa — or this state], or any other power, shall be eligible to any civil office of profit under this State: [Iowa — the General Assembly] PROVIDED, That offices in the militia, to which there is attached no annual salary, or local officers [Iowa — the office of justice of the peace] and postmasters whose compensation does not exceed five [Iowa — one] hundred dollars per annum, shall not be deemed lucrative.* [Iowa Constitution, Art. IV, Sec. 22.]

SEC. 22. *No person who shall be convicted of the embezzlement or defalcation of the public funds of this State shall ever be eligible to any office of honor, trust, or profit under this State; and the legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.*

SEC. 23. *No money shall be drawn from the treasury but in consequence of appropriations made by law.* [Iowa Constitution, Art. IV, Sec. 24.] *An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the legislature.* [Iowa Constitution, Art. IV, Sec. 18.]

SEC. 24. *The members of the legislature shall receive for their services a compensation to be fixed by law and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either house shall have been elected.* [Influence of Iowa Constitution, Art. IV, Sec. 25.]

SEC. 25. *Every law enacted by the legislature shall embrace but one object, and that [Iowa — which] shall be expressed in the title; and no law shall be revised or amended by reference to its title; but, in such case, the act revised or section amended shall be re-*

enacted and published at length. [Iowa Constitution, Art. IV, Sec. 26.]

SEC. 26. *No divorce shall be granted by the legislature.* [Iowa Constitution, Art. IV, Sec. 28.]

SEC. 27. *No lottery shall be authorized by this State, nor shall the sale of lottery-tickets be allowed.* [Iowa Constitution, Art. IV, Sec. 29.]

SEC. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the legislature, in the year 1852 and 1855, and at the end of every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States in the year one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both houses of the legislature.

SEC. 29. The number of senators and members of assembly shall, at the first session of the legislature holden after the enumerations herein provided for are made, be fixed by the legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and after that period, at such ratio that the whole number of members of assembly shall never be less than thirty nor more than eighty. [Influence of Iowa Constitution, Art. IV, Sec. 31.]

SEC. 30. *When a congressional, senatorial, or assembly [Iowa — Representative] district shall be composed of two or more counties, it shall not be [Iowa — entirely] separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or assembly district.* [Iowa Constitution, Art. IV, Sec. 32.]

SEC. 31. Corporations may be formed under general laws, but shall not be created by special act except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered from time to time, or repealed.

SEC. 32. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 33. The term corporations as used in this article shall be

construed to include all associations and joint-stock companies having any of the powers or privilege of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

SEC. 34. The legislature shall have no power to pass any act granting any charter for banking purposes; but associations may be formed under general laws for the deposit of gold and silver, but no such association shall make, issue, or put in circulation any bill, check, ticket, certificate, promissory-note, or other paper, or the paper of any bank, to circulate as money.

SEC. 35. *The legislature of this State shall prohibit by law any person or persons, association, company, or corporation from exercising the privileges of banking or creating paper to circulate as money.* [Iowa Constitution, Art. IX, Sec. 1.]

SEC. 36. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

SEC. 37. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

SEC. 38. *In all elections by the legislature, the members thereof shall vote VIVA VOCE, and the votes shall be entered on the journal.* [Iowa Constitution, Art. IV, Sec. 33.]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. *The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the governor of the State of California.* [Iowa Constitution, Art. V, Sec. 1.]

SEC. 2. *The governor shall be elected by the qualified electors, at the time and places of voting for members of assembly, and shall hold his office two [Iowa — four] years from the time of his installation, and until his successor shall be qualified.* [Iowa Constitution, Art. V, Sec. 2.]

SEC. 3. *No person shall be eligible to the office of governor (except at the first election) who has not been a citizen of the United*

States, and a resident of this State two years next preceding the election, and attained the age of twenty-five [Iowa — thirty] years at the time of said election. [Iowa Constitution, Art. V, Sec. 3.]

SEC. 4. *The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the assembly, who shall, during the first week of the session, open and publish them in presence of both houses of the legislature. The person having the highest number of votes shall be governor; but in case any two or more have an equal and the highest number of votes, the legislature shall, by a joint vote of both houses, choose one of said persons, so having an equal and the highest number of votes, for governor. [Iowa Constitution, Art. V, Sec. 4.]*

SEC. 5. *The governor shall be commander-in-chief of the militia, the army, and navy of this State. [Iowa Constitution, Art. V, Sec. 5.]*

SEC. 6. *He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices. [Iowa Constitution, Art. V, Sec. 6.]*

SEC. 7. *He shall see that the laws are faithfully executed. [Iowa Constitution, Art. V, Sec. 7.]*

SEC. 8. *When any office shall from any cause become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislature, or at the next election by the people. [Iowa Constitution, Art. V, Sec. 8.]*

SEC. 9. *He may, on extraordinary occasions, convene the legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened. [Iowa Constitution, Art. V, Sec. 9.]*

SEC. 10. *He shall communicate by message to the legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient. [Iowa Constitution, Art. V, Sec. 10.]*

SEC. 11. *In case of a disagreement between the two houses with respect to the time of adjournment, the governor shall have power*

to adjourn the legislature to such time as he may think proper, provided it be not beyond the next time fixed for the meeting of the next legislature. [Iowa Constitution, Art. V, Sec. 11.]

SEC. 12. *No person shall, while holding any [Iowa — other] office under the United States or this State, exercise [Iowa — execute] the office of governor, except as hereinafter expressly provided.* [Iowa Constitution, Art. V, Sec. 12.]

SEC. 13. The governor shall have the power to grant reprieves, and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, at its date, and the date of the pardon or reprieve.

SEC. 14. *There shall be a seal of this State, which shall be kept by the governor, and used by him officially, and shall be called "The Great Seal of the State of California."* [Iowa Constitution, Art. V, Sec. 15.]

SEC. 15. *All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the governor, and countersigned by the secretary of state.* [Iowa Constitution, Art. V, Sec. 16.]

SEC. 16. A lieutenant-governor shall be elected at the same time and places and in the same manner as the governor; and his term of office, and his qualifications of eligibility, shall also be the same. He shall be president of the senate, but shall only have a casting vote therein. If, during a vacancy of the office of governor, the lieutenant-governor shall be impeached, displace, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the president of the senate shall act as governor until the vacancy be filled or the disability shall cease.

SEC. 17. In case of the impeachment of the governor, or his re-

moval from office, death, inability to discharge the powers and the duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the disability shall cease. But when the governor shall, with the consent of the legislature, be out of the State in time of war, and at the head of any military force thereof, he shall continue commander-in-chief of the military force of the State.

SEC. 18. A secretary of state, a comptroller, a treasurer, an attorney-general, and surveyor-general shall be chosen in the manner provided in this constitution, and the term of office and eligibility of each shall be the same as are prescribed for the governor and lieutenant-governor.

SEC. 19. The secretary of state shall be appointed by the governor, by and with the advice and consent of the senate. He shall keep a fair record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the legislature, and shall perform such other duties as shall be assigned him by law.

SEC. 20. The comptroller, treasurer, attorney-general, and surveyor-general shall be chosen by joint vote of the two houses of the legislature, at their first session under this constitution, and thereafter shall be elected at the same time and places and in the same manner as the governor and lieutenant-governor.

SEC. 21. The governor, lieutenant-governor, secretary of state, comptroller, treasurer, attorney-general, and surveyor-general shall each at stated times during their continuance in office receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a supreme court, in district courts, in county courts, and in justices of the peace. The legislature may also establish such municipal and other inferior courts as may be deemed necessary. [Similar to Iowa Constitution, Art. VI, Sec. 1.]

SEC. 2. *The supreme court shall consist of a chief-justice and two associate justices, any two of whom shall constitute a quorum.* [Iowa Constitution, Art. VI, Sec. 2.]

SEC. 3. The justices of the supreme court shall be elected at the general election by the qualified electors of the State, and shall hold their office for the term of six years from the 1st day of January next after their election: PROVIDED, That the legislature shall, at its first meeting, elect a chief-justice and two associate justices of the supreme court, by a joint vote of both houses, and so classify them that one shall go out of office every two years. After the first election the senior justice in commission shall be the chief justice.

SEC. 4. The supreme court shall have appellate jurisdiction in all cases when the matter in dispute exceeds two hundred dollars, when the legality of any tax, toll, or impost, or municipal fine is in question, and in all criminal cases amounting to felony or questions of law alone. And the said court, and each of the justices thereof, as well as all district and county judges, shall have power to issue writs of HABEAS CORPUS at the instance of any person held in actual custody. They shall also have power to issue all other writs and process necessary to the exercise of their appellate jurisdiction, and shall be conservators of the peace throughout the State.

SEC. 5. The State shall be divided by the first legislature into a convenient number of districts, subject to such alterations from time to time as the public good may require, for each of which a district judge shall be appointed by the joint vote of the legislature, at its 1st meeting, who shall hold his office for two years from the 1st day of January next after his election; after which said judges shall be elected by the qualified electors of their respective districts, at the general election, and shall hold their office for the term of six years.

SEC. 6. The district courts shall have original jurisdiction in law and equity in all civil cases where the amount in dispute exceeds two hundred dollars, exclusive of interest. In all criminal cases not otherwise provided for, and in all issues of fact joined in the probate courts, their jurisdiction shall be unlimited.

SEC. 7. The legislature shall provide for the election by the people of a clerk of the supreme court, and county clerks, district attorneys, sheriffs, coroners, and other necessary officers; and shall fix by law their duties and compensation. County clerks shall be EX-OFFICIO clerks of the district courts in and for their respective counties.

SEC. 8. There shall be elected in each of the organized counties of this State one county judge, who shall hold his office for four years. He shall hold the county court, and perform the duties of surrogate or probate judge. The county judge, with two justices of the peace, to be designated according to law, shall hold courts of sessions, with such criminal jurisdiction as the legislature shall prescribe, and he shall perform such other duties as shall be required by law.

SEC. 9. The county courts shall have such jurisdiction in cases arising in justices' courts, and in special cases, as the legislature may prescribe, but shall have no original civil jurisdiction except in such special cases.

SEC. 10. The times and places of holding the terms of the supreme court and the general and special terms of the district courts within the several districts shall be provided for by law.

SEC. 11. No judicial officer, except a justice of the peace, shall receive to his own use any fees or perquisites of office.

SEC. 12. The legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person.

SEC. 13. Tribunals for conciliation may be established, with such powers and duties as may be prescribed by law; but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference, and agree to abide the judgment, or assent thereto in the presence of such tribunal, in such cases as shall be prescribed by law.

SEC. 14. The legislature shall determine the number of justices of the peace to be elected in each county, city, town, and incorporated village of the State, and fix by law their powers, duties, and responsibilities. It shall also determine in what case appeals may be made from justices' courts to the county court.

SEC. 15. The justices of the supreme court and judges of the district court shall severally, at stated times during their continuance in office, receive for their services a compensation, to be paid out of the treasury, which shall not be increased or diminished during the term for which they shall have been elected.

SEC. 16. The justices of the supreme court and district judges shall be ineligible to any other office during the term for which they shall have been elected.

SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 18. *The style of all process shall be, "The People of the State of California." All the prosecutions shall be conducted in the name and by the authority of the same.* [Iowa Constitution, Art. VI, Sec. 6.]

ARTICLE VII.

MILITIA.

SECTION 1. The legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 2. Officers of the militia shall be elected or appointed, in such a manner as the legislature shall from time to time direct, and shall be commissioned by the governor.

SEC. 3. The governor shall have power to call for the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

ARTICLE VIII.

STATE DEBT.

The legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of three [Iowa — one] hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein

stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each judicial district, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. [Iowa Constitution, Art. VIII.]

ARTICLE IX.

EDUCATION.

SECTION 1. *The legislature shall provide for the election, by the people, of a superintendent of public instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the legislature may direct. [Iowa Constitution, Art. X, Sec. 1.]*

SEC. 2. *The legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that [Iowa — have been, or hereafter] may be granted by the United States to this State for the support of schools, which [Iowa — shall hereafter] may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved A. D. 1841, and all estates of deceased persons who may have died without leaving a will, or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State. [Iowa Constitution, Art. X, Sec. 2.]*

SEC. 3. *The legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year, and any district neglecting to keep and support such a school may be deprived of its proportion of the interest of the public fund during such neglect. [Iowa Constitution, Art. X, Sec. 3.]*

SEC. 4. *The legislature shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved or granted by the United States or any person or persons, to the State for the use of the university; and*

the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, with such branches as the public convenience may demand for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university. [Iowa Constitution, Art. X, Sec. 5.]

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this constitution may be proposed in the senate or assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislature, voting thereon, such amendment or amendments shall become part of the constitution.

SEC. 2. And if at any time two-thirds of the senate and assembly shall think it necessary to revise and change this entire constitution, they shall recommend to the electors, at the next election for members of the legislature, to vote for or against the convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the legislature. [Influence of Iowa Constitution, Art. XI, Sec. 1.]

A recapitulation of this analysis of the Constitution of California, with reference to the sections obtained from the Constitution of Iowa, and those obtained from the closest rival, the Constitution of New York, shows the following:

Article I, Declaration of Rights, contained twenty-one sections, of which thirteen were from Iowa, with three showing strong Iowa influence. New York contributed six sections — sections three, four, five, six, eight, and nine.

Article II, Right of Suffrage, contained six sections. Of these Iowa contributed four sections, with influence in one. Section four is taken almost verbatim from New York.

Article III, Distribution of Powers, containing one section, was taken verbatim from Iowa.

Article IV, Legislative Department, contained thirty-eight sections. Seventeen sections were taken from the Iowa Constitution with Iowa influence evident in four additional sections. New York contributed five sections — sixteen, thirty-one, thirty-two, thirty-three, and thirty-seven — with influence in four other sections.

Article V, Executive Department, containing twenty-one sections, had fourteen which were taken from the Iowa Constitution. Two sections — thirteen and seventeen — were taken from New York, and strong New York influence was evident in sections sixteen and twenty-one.

Article VI, Judicial Department, contained eighteen sections. Two sections were taken from the Iowa Constitution, with Iowa influence evident in one other. New York contributed four sections — eight, nine, twelve, and thirteen.

Article VII, Militia, containing three sections, shows little influence either of Iowa or New York.

Article VIII, State Debts, with one section, was taken verbatim from the Iowa Constitution with the exception of an increase in the amount.

Article IX, Education, though differing in organization, was taken almost verbatim from the longer article in the Iowa Constitution.

Article X, Mode of Amending and Revising the Constitution, containing two sections, shows strong New York influence in the first section, while the second is similar to a section in the Iowa Constitution.

Article XI, Miscellaneous Provisions, with twenty-one sections, shows Iowa influence in section two, and New York influence in section three.

Excluding Article XII, on the Boundary and the Schedule, the California Constitution contained one hundred thirty-six sections. Of these, Iowa may claim fifty-six sections verbatim, with influence in eleven, a total of sixty-seven. New York may claim eighteen verbatim, with influence in eight, a total of twenty-six. This leaves forty-three sections which apparently were obtained from other sources.

The extent to which the Constitution of New York entered into the making of that of California is a tribute to the excellence of that document. Other than its qualities and the number of capable advocates in the Convention, there seem to have been few other reasons for its prominence. It is, indeed, entirely possible that the large number of New York people in the Convention and the frequent reference to that Constitution was a cause for the failure of the New York Constitution to secure the dominant influence. There was considerable feeling in the Convention that California should make an original document, or one at least which did not show too great a similarity to that of any other State. It seemed, too, that a certain group was opposed to New York. M. M. McCarver, who strongly supported extensive copying from the Constitution of Iowa, hence was not too strongly attached to the group advo-

cating originality, voiced the feeling of the opposition to New York when he said, in speaking for a short preamble: "The very fact that the proposition of the Committee is from the Constitution of New York would induce me to reject it. If we sit here much longer we will have a resolution to annex New York, Constitution and all."³⁷

The plea for originality in the formation of the California Constitution commands respect, even admiration, but one is not surprised to find in the completed document evidence of the same dependence on older documents which former Constitutions and State papers show. The Constitutions of the original thirteen States, though largely formed during the stress of the Revolution, follow closely, in some cases retain almost verbatim, the charters granted by England. The retention of the best of the old, and the incorporation of certain new principles in the Ordinance of 1787, makes it one of the few outstandingly original and valuable contributions of the new nation to political structure. The Ordinance of 1787 furnished the new government with a colonial policy, and provided an orderly basis for continental expansion.

In their transition, the new States used the principles of this document to a considerable extent, but they also leaned heavily on the experience and action of the older States. Maine considered most carefully the Constitution of Massachusetts. The historian of Tennessee indicates that his State used the Constitution of North Carolina of 1776 with such changes "as were commensurate with the progress of democratic ideas in America, giving less power to the representatives of the people, and more to the people themselves".³⁸ A continuation of this practice is notice-

³⁷ Browne's *Report of the Debates in the Convention of California, on the Formation of the State Constitution, 1849*, pp. 379, 380.

³⁸ Caldwell's *Studies in the Constitutional History of Tennessee*, p. 159.

able in the action of Oregon, which took for its territorial government so many of the provisions of the Iowa document.

In the formation of new units of government in a nation such as ours, where the citizenship of the new is drawn from the old, it is inevitable and not at all undesirable that such a dependence should exist. The careful scrutiny and vigorous debate which has accompanied the formation of each new Constitution makes such a practice not one of blind acceptance of tradition, but one of careful combination and readjustment to meet existing needs and conditions, with a resulting excellence that has received merited commendation. In view of such a practice it is not at all strange that California, in the formation of its Constitution and State government, should seek advice from the older units of the nation, but it is of more than passing significance that it should be so largely influenced by the problems, decisions, and Constitutions of the State of Iowa.

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BASIL GIARD AND HIS LAND CLAIM IN IOWA

In the old days, the voyageurs started from a trading center and traveled over widely diverging trails; so to-day the worker in history, beginning at a focal point, trails and back-trails for the content of his narrative. It has been so with this story of Basil Giard and his claim in Iowa. The story of Giard's life centers in Wisconsin; the story of his property belongs to Iowa. Only by searching scattered sources — church records, State papers, court records, and a few printed articles — has there been disclosed anything like a coherent story of this Prairie du Chien trader and his claim to 5760 acres of land in what is now Clayton County, Iowa, valued to-day at well over a million dollars.

Prior to 1779 — the first date for which we have a Wisconsin association for him — it seems probable that Basil Giard lived for a time in the "American Bottoms", along the Kaskaskia River, and that from there he moved across the Mississippi River to the parish of Ste. Genevieve in Spanish territory. Thence he traveled northward and, with two friends — Augustin Angé and Pierre Antaya — he shares the credit for being among the first permanent white settlers at Prairie du Chien.

It is a matter of record¹ that these three men were present at the Indian treaty at Mackinac in 1781, for we have Pierre La Pointe's affidavit taken in 1820: "in the year seventeen hundred and eighty-one this deponent was at Michilimackinac, and acted in the capacity of interpreter at the treaty held by Governor Sinclair with the Indians, for the purchase of the island of Michilimackinac, Green

¹ Brisbois's *Traditions and Recollections of Prairie du Chien*, annotated by L. C. Draper, in *Wisconsin Historical Collections*, Vol. IX, pp. 282, 283.

bay, and Prairie des Chien; that, during the time deponent has resided at the prairie, he has never known the Indians to make claim to said tract of land as their property; that deponent was present at Prairie des Chiens, and saw the goods delivered to the Indians in payment for the said prairie by Bazil Guird, Pierre Antya, and Augustin Angé, according to the stipulations of the treaty with Governor Sinclair above-mentioned.”²

Apparently the three men were representatives of a group of settlers at Prairie du Chien who were acting under instructions to purchase the village site. Through the agency of Governor Sinclair, they purchased nine square miles of land lying north of the Wisconsin River at its mouth. This furnished the basis for the plat of Prairie du Chien officially made by the United States in 1820.³ Basil Giard himself occupied a parcel of land on this tract, a lot later designated as “Main Village Lot No. 21, Prairie du Chien”. This is attested by a deed of this property given to Joseph Rolette in 1816:

In presence of witnesses the undersigned was present in person Basile Giard of Prairie du Chien County of Madison, Illinois Territory, whom by these presents doth sell dispose forsake yield transfer abandon forever and promise to warrant of all troubles — (illegible) — mortgage, alienation intent and of any claim whatever unto Mr. Joseph Rolette Merchant of Prairie du Chien County and Territory aforesaid his heirs, and having viz. a lot situated in the village of Prairie du Chien County and Territory aforesaid of fifty feet deep to take from the Mississippi running eastward, and one hundred and eighty feet running north parallel with James McFarland’s lot and bounded on the south by a lot appertaining to Robert Dickson with house, house of office and its dependencies, to and for said Joseph Rolette, to enjoy and dispose him, his heirs and any other, having cause as belonging to him to take possession this

² Green’s *American State Papers, Public Lands*, Vol. IV, p. 867.

³ Plat of Prairie du Chien, 1820, Office of Register of Deeds, in Green’s *American State Papers, Public Lands*, Vol. IV, p. 875.

day this present sale being thus made for the price and sum of one hundred and sixty-seven dollars, that the said Basil Giard has declared and agreed to have received from the hands of said Joseph Rolette for perfect payment of the said lot of ground the remittance and which receipt unto his satisfaction so likewise covenant agreeing and promising

In witness whereof the aforesaid Basile Giard declareth not being able of signing his name his ordinary mark and sealed with his seal in the presence of witnesses

Undersigned after being read at Prairie du Chien County and Territory aforesaid this thirtieth day of April, in the year one thousand eight hundred and sixteen.

Witness Henry Wagner

(Seal)

Hyacinth St. Cyr

Bazel (his mark) Giard.⁴

To get the story of the family of Basil Giard, many fragments must be put together and even then much remains untold. Louis Houck in his *History of Missouri*⁵ speaks of the marriage of a Basil B. Giard, performed in Ste. Genevieve parish in 1783. No trace of this record has been found in a recent search. The time and place are possible, and such a ceremony would give special significance to Giard's claim in 1800 that he was a Spanish subject (*Sujet de sa Majeste Catholique*).⁶

A neighbor testified in 1807 that Giard, then living at Prairie du Chien, had "an Indian woman and children; does not know the number, but knows that he (claimant) raised them as his own."⁷ This Indian wife was a Fox woman named Mak-o-chi-koue, but whether she was Giard's partner in the marriage ceremony in 1783, or whether there was actually a ceremony, it is practically impossible to

⁴ Vol. A, Deeds, p. 21, Register of Deeds Office, Crawford County, Wisconsin, marked "True copy of the translation from the original as handed in for record."

⁵ Houck's *History of Missouri*, Vol. II, p. 79.

⁶ See below, p. 224.

⁷ Green's *American State Papers, Public Lands*, Vol. IV, p. 440; Harlan's *Claim of Basil Giard in Annals of Iowa* (Third Series), Vol. XVI, p. 626.

know. There was no Catholic priest in the vicinity of Prairie du Chien until after 1800 and many marriages were "blessed" by the church years after they were entered into.

According to the records found, Basil Giard had three daughters — Angélique, Marie Louise — also called Lisette or Lizette, and Marie. In 1817, when Fr. Marie Joseph Dunand remained in Prairie du Chien for thirty days, a number of the Giard family were baptized.⁸ The Indian wife and Angélique, the oldest daughter, were then dead. Among those baptized at this time were the two surviving daughters of Basil Giard — Marie Louise (aged 28), Marie (aged 23) — and several grandchildren, including Felicité Loupien, then five years of age, "of the legal marriage of Theodore Loupien and Angélique Chior", and one of Marie Louise's children.

Marie Louise Giard was twice married. Her first husband was Felix Mercier. After his death she married Francis Chenevert. This marriage was blessed by Fr. Francis Vincent Badin in 1829. In the marriage record Marie Louise is designated as the "older daughter of the deceased Makochikoue originally of this parish and a resident." There is no record of a civil marriage of this couple. Marie, the youngest daughter of Basil Giard, married Tunis Bell, on May 16, 1825 — and in this case a civil ceremony, performed by Justice N. Boilvin, is recorded.⁹

At Prairie du Chien Basil Giard engaged in trade, although it appears that he was not successful in business. During the War of 1812, the first American fort at Prairie du Chien, Fort Shelby, was captured by the British. It appears that Basil Giard was one of those who signed a petition asking the British to send aid to Prairie du Chien,

⁸ Parish Record, St. Gabriel's Church, Prairie du Chien, Wisconsin.

⁹ Vol. A, Marriages, p. 18, Register of Deeds Office, Crawford County, Wisconsin. The spelling of names in the Giard family is not uniform and the correct spelling is difficult to determine.

and during the nine months of British control he supplied the commanding officer with gunpowder, at least indirectly. This has been taken to mean that he was friendly with the British, but it is not necessary to assume this, for any hesitancy on the part of a trader might well have resulted in the seizure of his goods. The French traders who came from the Illinois country were, in the main, very loyal to the American cause and suffered jeopardy of life and property at the hands of the Winnebagoes and other Indians who were incited by the British.

Basil Giard died in 1817, aged sixty-two years. He was buried on the fourth of July and was the first white man to be buried in the cemetery consecrated by Fr. Dunand two months before. "*Le quatre juillet mil huit cent dix sept a été enterré le corps de basil giar dans le semitier de la paroisse de la prairie agé de soixante deux an.*"¹⁰

Giard's heirs at law were his second oldest daughter, Marie Louise, who was then living with her second husband, Francis Chenevert; his youngest daughter, Marie, who became the wife of Tunis Bell in 1825, and the daughter of his deceased daughter Angélique, Félicité Loupien, who married Paul Dussaume [Jessaume, Iussouse] about 1832.¹¹

Basil Giard left no property in Wisconsin. He had deeded his lot in Prairie du Chien to Joseph Rolette in 1816. James H. Lockwood of Prairie du Chien testified in 1855 that Giard was a pauper at the time of his death, dependent on the charity of Joseph Rolette. This was vigor-

¹⁰ Parish Record, St. Gabriel's Church, Prairie du Chien, Wisconsin.

¹¹ Dussaume et al. v. Burnett et al., answer of Lockwood, District Court Records, Dubuque, Iowa. This case involved Paul and Félicité Dussaume, Francis and Mary Louise [Lizette] Chenevert, and James MacGregor, Jr., as plaintiffs and James H. Lockwood and the heirs of Thomas P. Burnett and Peter Powell as defendants. Mary Bell, the third Giard heir, had died in 1838 and her husband in 1843, leaving no children. The case is cited here as it appears in 5 Iowa 95, when it was appealed to the Supreme Court.

ously denied by the Giard heirs, but it stands in the records of the District Court at Dubuque, Iowa.¹²

Basil Giard, however, holds the distinction of being the only man to whose heirs descended title to a Spanish grant in the district of Saint Charles, now a part of the State of Iowa.¹³ Had this property remained intact, it would have made Giard's numerous present-day descendants in Wisconsin, Iowa, Minnesota, and Michigan owners of an extremely beautiful, fertile, and valuable tract of Iowa land. The story of the disintegration of this claim is as fascinating to the historian, however, as is the story of its acquisition. To get the history of this Iowa land claim, we must go back to 1800, when Don Charles Dehault Delassus, Baron de Carondelet, following a custom of generosity in the distribution of land, acceded to the petition of Basil Giard for a tract of land one league square on the west bank of the Mississippi River. The original of the petition and concession are in St. Louis, but copies produced as exhibits in a law suit are in Dubuque. The originals are in French.

The petition, dated at Prairie du Chien, October 15, 1800, "humbly shows that your most obedient servant, Basil Giard by name, subject of his Catholic Majesty for the past fifteen years occupies land distant from the Mississippi River about half a league, and has had buildings put up on it and has taken considerable pains to cultivate said land — The petitioner, who has a wife and three children, humbly begs of your favor the concession for such land according to custom shown to faithful subjects of his Catholic Majesty".¹⁴

¹² Dussaume et al. v. Burnett et al., answer of Lockwood, District Court Records, Dubuque, Iowa.

¹³ A grant of land to Louis Honoré Tesson in 1799 was the basis for several later claims to Iowa land.

¹⁴ Dussaume et al. v. Burnett et al., certified copy of petition, introduced as exhibit in the case, District Court Records, Dubuque, Iowa.

On November 20th "Don Charles Dehault Delassus, Lieutenant Colonel of the armies of His Catholic Majesty and Lieutenant Governor of the western part of Illinois and dependencies", granted the request "by reason of the good reports made to us concerning the good conduct of the petitioner and his devotion to the Spanish government". Giard was asked to specify definitely the number of arpents of land occupied.¹⁵

The question as to the basis whereby Giard could lay claim to being a Spanish subject can not be definitely answered. The chances are that the Spanish Lieutenant Governor did not particularly concern himself with the strict justice of the claim. On this point a letter to Albert Gallatin from Kaskaskia, dated October 18, 1803, says: "You have no guess how the United States are imposed on by the Spanish officers, since they have heard of the cession of Louisiana: grants are daily making for large tracts of land and dated back; some made to men who have been dead fifteen or twenty years, and transferred down to the present holders."¹⁶

The transfer of Louisiana to France and immediately thereafter to the United States necessitated confirmation of private land claims. In 1807 Giard presented to the Land Commissioners at St. Louis a plat of the land as made by his agent, Rufus Easton, and requested a survey of the land. This document begins thus: "Frederick Bates Esq. Recorder of Land titles in the Territory of Louisiana: Sir. Take notice that Bazil Giard claims title to a tract of land of 6808½ arpents being equal to one league square situate in the District of St. Charles in the Territory of Louisiana upon the west bank of the Mississippi River nearly oppo-

¹⁵ Dussaume et al. v. Burnett et al., certified copy of grant, introduced as exhibit, District Court Records, Dubuque, Iowa.

¹⁶ Green's *American State Papers*, Public Lands, Vol. I, p. 173.

site to the village of Prairie du Chien, . . . claimed in virtue of a Spanish Grant cultivation and improvement and by the laws of Congress".¹⁷ The Board of Land Commissioners acted upon the claim on June 5, 1810. While there was objection to confirmation of title, testimony in 1807 showed that the Indians recognized Giard's claim to the land.

Robert Dickson, Giard's next neighbor in Prairie du Chien, testified under oath that: "said land was inhabited and cultivated by some of claimant's people ten years ago, and ever since for his use, and that there was a house and barn on said land; that claimant had at least fifty acres in cultivation eight years ago, and ever since; that claimant has never been disturbed in his possession by the Indians around him; that he has heard several Indians say that the land belonged to claimant; that claimant resides a part of his time on the land claimed; says that original petition to the Lieutenant Governor was written by him (Dickson) at the time it bears date."¹⁸

Dickson is the only one of the sworn witnesses to say that Giard resided elsewhere than in Prairie du Chien. If he had made his home in Iowa, there would have been no question as to his being a Spanish subject. Perhaps his claim of fealty to Spain came from his previous residence in Ste. Genevieve (prior to his coming to Prairie du Chien) and his feeling that he was not yet established as a resident in the north country, for traders were distinctly a floating population. Deponents in 1807, 1810, and 1821 — with the possible exception of Dickson whose testimony has been quoted — considered Giard a resident of Prairie du Chien.

In 1821, when Isaac Lee was examining land claims in

¹⁷ Dussaume et al. v. Burnett et al., petition, District Court Records, Dubuque, Iowa.

¹⁸ Green's *American State Papers*, Public Lands, Vol. II, pp. 439, 440.

Prairie du Chien, M. Brisbois and Pierre La Pointe, Sr., being duly sworn, testified "that the above-described tract of land [Lot No. 21, main village of Prairie du Chien] was occupied by Basil Guiard thirty-two years ago; that he lived and died on said land, and that said Joseph Rolette purchased the same three years ago of Basile Guiard".¹⁹

The testimony of Nicholas Bolvin [Boilvin] given before the Board of Commissioners who were reviewing Giard's claim to the Iowa land, in 1807, reads as follows: "seven years ago, he was on the place claimed; that there was then on the place a small cabin and a piece of ground enclosed with a brush fence, about ten acres; that a hired man of claimant's was then residing on the place, and that there was corn and other things growing on the land at the same time; that he has known claimant as a trader living at Prairie de Chien twenty years." Pierre Dorien, Sr., said at the same time, "in 1796 claimant had a plantation on this side of the Mississippi, on a bayou, nearly opposite to Prairie de Chien, which was generally reputed to be the plantation of claimant; that claimant had on the place a house for his farmer, and also had stock on the place; saw a crop of corn growing at some time; in the following year deponent was also on said place, which was then *cultivated and inhabited by said farmer*; that claimant has lived at Prairie du Chien, as a trader, since 1799".²⁰

The plat of 1807 shows three buildings on the land.²¹ It also shows the claim as a rectangular tract — one and a half miles by six miles. The location of the buildings may have determined the modification from the original claim of land "one league square". The area is unchanged — 6808½ arpents or 5760 acres.

¹⁹ Green's *American State Papers*, Public Lands, Vol. IV, p. 875.

²⁰ Green's *American State Papers*, Public Lands, Vol. II, pp. 439, 440.

²¹ See copy of plat in *Annals of Iowa* (Third Series), Vol. XVI, p. 625.

On June 5, 1810, the Board of Land Commissioners, in session at St. Louis, declared: "This claim ought not to be confirmed".²² For some reason — perhaps pressure brought to bear by influential friends or relatives in St. Louis — this recommendation was reversed in 1814 and the claim was confirmed in 1816 "if Indian right is extinguished."²³ It was not until the Indian treaty of 1832, however, that the Indian right was extinguished by Federal action, and it was not until June 9, 1837, that the Solicitor's Bureau made the following ruling on the claim of Basil Giard, who had been dead for twenty years:

By the papers referred to me on the 8th (herewith returned) it appears that the Recorder of Land Titles (F Bates) reported Bazil Giraud as entitled to confirmation to 6808½ arpens of land, lying opposite Praire Du Chien, "*if Indian title extinguished*" — The Indian title was only extinguished by the Treaty with the Sacs & the Fox Indians dated Sept 21, 1832.

The question presented is, Does the Act of 29th Apl, 1816 — confirm Giraud's title —

The Act (No. 291.) confirms all claims which the Recorder had recommended for confirmation. All the European Govts exercise the right of granting the soil to their subjects, subject to Indian right of occupancy — (See 10. Pet. 303.) Grants, of land thus occupied, severed them from the Royal Domain so that they became private property, and the U. S. took therefore nothing in them by the Treaty of cession. From these principles it must follow, that the condition — annexed by the Recorder of Land titles, to his decision could have furnished Congress with no valid reason, for the rejection of the claim — He found the title good, in every thing, that legally could affect it — And expressed no doubt or objection against the claim, except for a reason which could not affect the duty of the United States, as the Successor of the European Government — I regard the title as confirmed by the Act — and consider the annexation to the recommendation by Bates as

²² Green's *American State Papers*, Public Lands, Vol. II, p. 440.

²³ *United States Statutes at Large*, Vol. III, pp. 328, 329.

surplussage. And think that Congress must have considered the condition a nullity, & the recommendation as absolute —

All which is respectfully submitted

I am & c

To: Jas Whitecomb, Commr

M. Birchard, Soltr

The above opinion is approved.

(Signed) James Whitecomb, Com'r.

June 15, 1837²⁴

The confirmation of his claim was, apparently, never known to Giard himself, nor was it known to anyone in Prairie du Chien until much later. A survey was made by Alfred Brunson in 1838, at the request of Thomas P. Burnett and James H. Lockwood, representing themselves as attorneys in fact to the Giard heirs, and a certificate of title was recorded on March 3, 1846, in Clayton County, Iowa.²⁵ The patent seems not to have been sent to Lockwood and Burnett, however, for it is recorded apart from the Lockwood-Burnett documents and immediately following the giving of power of attorney to Alexander MacGregor. The patent reads as follows:

The United States of America

To all to whom these presents shall come Greetings:

Know ye that there has been deposited in the General Land Office, a Certificate numbered one thousand one hundred and seventy-two of the Recorder of Land Titles at St. Louis Missouri, whereby it appears that in pursuance of the several acts of Congress for the adjustment of titles and claims to lands Bazil Giard (in his own right) was confirmed in his claim to a tract of land containing five thousand seven hundred and sixty acres being situated in township ninety five North, of Range three and four West of the fifth principal Meridian, in Iowa Territory, according to a particular plat of the survey of the said claim, certified by the Surveyor General at Dubuque, in said Territory, under date the twenty-fifth of July one thousand eight hundred and forty-three, and which claim is designated as number one on said particular plat, and in the plats

²⁴ *Private Land Claims, Iowa Solicitor's Report, Bazil Giraud Case, No. 1.*

²⁵ Vol. C, Deeds, p. 265, Recorder's Office, Elkader, Iowa.

of the townships aforesaid. There is therefore granted by the United States unto the said Bazil Giard and to his heirs the tract of land above described. To have and to hold the said tract with the appurtenances, unto the said Bazil Giard and to his Heirs and Assigns forever :

In Testimony whereof I, John Tyler, President of the United States have caused the Letters to be made Patent, and the Seal of the general Land Office to be hereunto affixed.

Given under my hand at the City of Washington the second day of July in the year of our Lord one thousand eight hundred and forty-four, and of the Independence of the United States the sixty-eighth.

By the President John Tyler,
J. Williamson, Recorder of the General Land Office²⁶

While this patent is granted to "Bazil Giard" and his heirs "forever", it came too late to be of value to them. Basil Giard had been dead for twenty-seven years; his heirs had relinquished title a decade before this, and their claim to the land in Iowa had passed to two Americans — James H. Lockwood and Thomas P. Burnett.

These two men were prominent in the political and business affairs of Prairie du Chien during the period when the control of this frontier trading center was passing from the French and Indians to the Americans and British. Thomas P. Burnett was a former Kentucky lawyer who had come to Prairie du Chien as a sub-agent in the Indian administration. James H. Lockwood was a man of considerable influence, loved by his English and American friends and often feared by the French and Indians. As a trader he employed labor and made himself necessary to his employees. Under the labor system of the large fur companies, the local agent could debit merchandise at his discretion. In this way many of the illiterate, thriftless laborers came into what was really economic slavery. Marie Giard's husband, Tunis Bell, became a debtor to Lockwood to the

²⁶ Vol. C, Deeds, p. 178, Recorder's Office, Elkader, Iowa.

extent of approximately one hundred dollars. It was then, apparently, that Lockwood began to interest himself in rumors that Mrs. Bell and her sister were heirs to a considerable tract of land across the Mississippi River. Land was booming in 1832 and 1833 when the American onrush was encouraged by the treaty with the Sauk and Fox Indians at the close of the Black Hawk War which opened Iowa to settlement. It was a timely moment for Lockwood to secure title to the 6808½ arpents of Iowa land which Giard had claimed as his.

In 1832 Mrs. Bell and her husband deeded a one-half interest in the Iowa land to Lockwood. No mention of the heirship of the niece Felicité is made. Lockwood apparently did not know of her right to the third, while the Giards may well have been ignorant of the law. A copy of the Bell deed follows:

T. Bell and Mary, his wife

to

J. H. Lockwood

This indenture made at Prairie du Chien the 27th day of June one Thousand Eight hundred and thirty-two, between Tunis Bell and Mary his wife one of the daughter and heirs of Bazil Giard, late of Prairie du Chien deceased, of the first part and James H. Lockwood of Prairie du Chien aforesaid of the other part WITNESSETH:

That the said party of the first part for and in consideration of the sum of one hundred dollars to them in hand paid by the said party of the second part the receipt whereof is hereby acknowledged hath bargained and sold and by these presents doth bargain and sell unto said party of the second part, and to his heirs and assigns forever all that tract piece or parcel of land being the undivided half of a tract of land lying and being on the west side of the Mississippi River opposite the Old Village of Prairie du Chien, being three miles square and granted to the said Bazil Giard by the Baron de Carondalet when it was in the Spanish Province, Together with all and Singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining and the

reversion and reversions remainder and remainders, rents issues and profits thereof and also all Estate rights title interest claim or demand whatsoever of them the said party of the first part Either in Law or in Equity of, in and to the above bargained premises and every part and parcel thereof To Have and to Hold to the said party of the second part his heirs and assigns to the sole and only proper uses benefit and behoof of the said party of second part his heirs and assigns forever

In witness whereof the said parties of the first part have hereunto set their hand and seals at Prairie de Chien this day and date first above written

Signed sealed and delivered
in the presence of

Tunis Bell (Seal)

Samuel Gilbert

Mary (her mark) Bell (Seal)

William G. Lockwood

Territory of Michigan
County of Crawford

Be it remembered that on the twenty-seventh day of June one thousand eight hundred and thirty two came before Joseph M. Street one of the Justices of the Peace in and for the county aforesaid, Tunis Bell and Mary his wife Known to me to be the persons described in and who have executed the within Deed and acknowledged that they had severally Signed, Sealed and delivered the Said Deed for the uses and purposes therein Mentioned, and the said Mary being by me privately examined part from her said husband acknowledged that she executed the Said Deed freely without any fear or Compulsion of her said husband. All of which I do Accordingly Certify according to the Statutes in Such Case Made and Provided.

Jos. M. Street

Justice of Peace Crawford County²⁷

Felicité Loupien, Giard's granddaughter, had married Paul Dussaume who was also heavily indebted to Lockwood, who asserted that "notwithstanding Paul Jessaumes professed honesty he found it convenient between the years 1833 & 4 to leave Prairie du Chien with his wife clandestinely without settling his account and without informing

²⁷ Vol. A, Deeds, pp. 398-400, Office of Register of Deeds, Prairie du Chien, Wisconsin.

respondant [Lockwood] that he was, or whether he was, going and respondent could get no information of his whereabouts from that time until the winter of 1835-6 when he learned that said Jessaume was living at Warsaw Illinois".²⁸ Thither Lockwood followed him in 1836 and secured from the Dussaumes a deed to Felicité's one-third interest in the property. A deed to the Chenevert third and a new deed from the Bells had already been secured, but this time the surrender of all interest in this extensive tract of land was not made to Lockwood alone. The Bell deed (March 16, 1836) was to Lockwood;²⁹ the Chenevert deed (March 6, 1836) to Thomas P. Burnett;³⁰ and the deed given by Paul Jessaume [Dussaume] and wife (April 27, 1836) to Lockwood and Burnett.³¹

The consideration stipulated in the deeds to Lockwood was not paid, later affidavits reveal. The Bells cancelled their indebtedness by giving up the property and Mrs. Chenevert and her husband received sixty dollars — not even this amount being in cash, however. "The consideration which I paid for Burnett to Francis Chenevert & wife was Sixty Dollars — I did not pay him the cash — I credited him with Sixty Dollars and charged it to Burnett. Money in those days was not much used here".³²

The Giard heirs relied upon the integrity and judgment of Lockwood and Burnett who, in a letter written to the Surveyor General in 1837,³³ styled themselves "attornies in

²⁸ Dussaume et al. v. Burnett et al., answer of Lockwood, District Court Records, Dubuque, Iowa. Lockwood always referred to Dussaume as Jessaume.

²⁹ Vol. J, Deeds, p. 578, Recorder's Office, Elkader, Iowa.

³⁰ Vol. J, Deeds, p. 577, Recorder's Office, Elkader, Iowa.

³¹ Vol. J, Deeds, p. 580, Recorder's Office, Elkader, Iowa.

³² Dussaume et al. v. Burnett et al., depositions opened and filed on November 9, 1855, District Court Records, Dubuque, Iowa.

³³ Dussaume et al. v. Burnett et al., District Court Records, Dubuque, Iowa.

fact'', in order to secure the survey of 1838 and the certificate of ownership of 1839.

The transactions of 1836 should have ended the Giards' claim to the Iowa property, but a number of years later James MacGregor, Jr., asserted that the transfers had been made illegally and under duress. In 1854 MacGregor sent a representative, I. Perrit Gentil, to ask the Giard heirs to transfer to him their interest in the Iowa land. They were ignorant of the law, unlearned, not understanding the English language, and apparently confused as to what their real status was. They had confided in Lockwood and signed certain papers years before; they were now less trustful toward Lockwood, and MacGregor's agent induced them to sign a quit-claim deed in his favor. He promised that they would not be involved in future litigation and that they would suffer no ill consequences should the Burnett-Lockwood title be adjudged valid. On the other hand he promised them some gain if the Burnett-Lockwood title were superseded by MacGregor's claim — one-tenth of all the land save the 160 acres at the southeast corner whose valid transfer to Alexander MacGregor in April, 1837, was recognized;³⁴ the exclusive right to vend coffee-pots in a certain territory of Minnesota; and, most magnanimous, the gift of one of these same coffee-pots to be specially manufactured. It was a roseate dream to these Frenchmen in their old age, and they signed the deeds — more uncertain of their rights than before.

In January, 1855,³⁵ James MacGregor, Jr., served notice upon Lockwood and Burnett to appear in the court of Clayton County, Iowa, to defend their title. In May, 1855 — under change of venue requested by MacGregor — the suit was called in Dubuque. Upon request of the attorneys for

³⁴ Vol. A, Deeds, p. 40, Recorder's Office, Elkader, Iowa; 5 Iowa 95 at 98.

³⁵ *Dussaume et al. v. Burnett et al.*, subpoena in chancery, District Court Records, Dubuque, Iowa.

the defense, because "there is a very large amount of property involved" and "the pleadings & testimony in the case is voluminous",³⁶ the case was continued. These voluminous documents show much bitterness and deviation from the truth. Practically all statements made by both sides were denied and reaffirmed. MacGregor acted as the aggressive party on the one side; Lockwood, on the other. Burnett was dead by this time as were the Bells and Marie Louise Chenevert (d. 1855). A number of heirs of the original parties were represented on both sides by the lawyers, and the Burnett children were under guardianship.

The following plea of complainants, couched in the old and formal language of the time, was filed in January, 1855:

Your orators and oratrices pray that the said pretended deeds or conveyances (of 1832 and 1836) may be delivered up to be cancelled, and be declared fraudulent, null and void. That the claims and pretensions of the defendants may be declared unfounded & fraudulent; and that the title of the complainants to the said land be declared good and valid in law: And that the title may be fully adjusted and settled; and that the court will cause the lands to be divided among the respective complainants according to their respective interests; that each may hold his or her own in severalty; and that the right and title of each to the respective parts that may be partitioned and set off, may be declared firm and valid forever against the claims of all persons whomsoever, and especially against those professing to claim by, through or under the said Thomas P Burnett and said James H Lockwood, or either of them: And that your orators and oratrices may have all such other & further relief as this case may require and to your honor shall seem meet and proper.³⁷

In the course of the document the complainants' story of the Lockwood-Burnett as well as of the MacGregor conveyances is covered at length.

³⁶ *Dussaume et al. v. Burnett et al.*, motion of continuance, District Court Records, Dubuque, Iowa.

³⁷ *Dussaume et al. v. Burnett et al.*, bill in chancery, District Court Records, Dubuque, Iowa.

Lockwood, Alfred Brunson, grandfather and guardian of the Burnett children, and the attorneys for the heirs of Peter Powell (involved because Lockwood sold his interest to Powell in 1840 for \$4320 expressed in the deed³⁸) made separate answers to the bill of complaint. Since Lockwood was the only one of the defendants who was a party to the original transactions, quotations from his answer seem to be of greatest interest. The document is lengthy (about twenty pages) and written with quite evident contempt for the ignorance of the Giard heirs and for the duplicity of James MacGregor, Jr. It is possible that this paper had the greatest weight with the courts of any paper introduced. It read in part as follows:

They were all ignorant and illiterate people and that Francis Chenevert & wife spoke or understood very little if any of the English language at the time as is alledged in the complainants bill of complaint and also that Mary Bell was similarly situated with the Cheneverts but as to Tunis Bell and Paul Jessaume, as to their not understanding the English language as set forth in the complainants bill of complaint, is not true as Tunis Bell was a American and had served five years in the fifth Regiment of U. S. Infantry and had been discharged therefrom at Prairie du Chien. and that Jessaume spoke the English language as correctly as he did his mother tongue [French] but probably neither of them correctly. that the complainants were all poor and in needy circumstances as charged in complainants bill of complaint is not true, as Francis Chenevert at that time was considered to be one of the best Canadian Farmers in Prairie du Chien and was in thriving circumstances but respondant admits that Tunis Bell and Paul Jessaume were both poor from his first acquaintance with them and so continued until the death of Bell and that Paul Jessaume holds his own to this day . . . although respondant usually paid him from \$15 to 20 [fifteen to twenty dollars] per month when employed by the month or generally one dollar per day when employed by the day. and notwithstanding these high wages said

³⁸ Dussaume et al. v. Burnett et al., testimony of Lockwood, in with testimony of Peter Powell, District Court Records, Dubuque, Iowa.

Jessaume wants and extravagance was such that on settlement would generally be indebted to respondent respondent further answers & says that Tunis Bell and wife were both poor lazy and extravagant.

And respondent further answers and says that in examining his books since 1825 of Paul Jessaumes account that he finds the result as above stated when said Jessaume was a single man and that his habits of economy did not improve after he married Jessaume has since then been several times in the employ of respondent and settled his account and received his pay for his labour but has never to this day expressed to respondent one word of dissatisfaction about the sale, as for Tunis Bell and wife as respondent has said before they were poor lazy and extravagant and privious to the year 1832 had importuned respondent to purchase the right and interest of Bells wife in the Giard tract of land representing it as the one half of said claim and respondent knowing that she was the daughter of Bazil Giard and then not knowing of any other heirs except Mrs. Chenevert supposed that there were but the two heirs and in the year 1832 at the solicitation of Bell and wife purchased and took their deed for the one half of said claim for which he paid them one hundred dollars the price agreed to be paid respondent then knew nothing of the situation of said grant except from rumor but knew from rumor that Giard had some sort of claim and that these were his heirs, and as Bell and wife proposed to sell him their interests therein for one hundred dollars he concluded to buy thinking that he might probably make something out of it and if it turned out a bad speculation that one hundred dollars was not a very large sum of money to risk and loose after this sale respondent had frequently dealings & settlements with Bell during his lifetime and that of his wife but never to the knowledge of respondent did either of them express dissatisfaction with the sale or that undue advantage had been taken of them but appeared perfectly satisfied therewith and in 1836 after they had received their pay & spent it when told that they had deeded more land than their share, and were requested by respondent to sign a new deed, they did not hesitate but immediately signed the deed as required respondent avers that Francis Chenevert nor wife never consulted him professionally, on the subject of said claim of Bazil Giards, nor did either of them ever request respondent to interpret for them for profes-

sional advice of Thomas P. Burnett. that Francis Chenevert & wife both spoke so little of the English language that they could only communicate with Mr. Burnett through an interpreter. and would probably have requested respondant in a transaction of that kind to have interpreted for them but respondant charges the fact to be that after respondant & Burnett had concluded to purchase the whole claim, they saw Chenevert, and Burnett through the interpretation of respondant proposed to Chenevert & wife to purchase their interest in the said Giard claim and did purchase it for sixty dollars the amount stated in the deed that during this conversation and transaction there was not one word said about employing Burnett as Counsel or as Attorney or of asking his advice about the claim but that the entire conversation was about the absolute purchase of the entire interest of Chenevert & wife in the said claim of Bazil Giard and that said Chenevert & wife then considered it an absolute sale of their interest in the claim of Bazil Giard and appeared then perfectly satisfied with the sale and the subject has since been spoken of between respondant and Chenevert when Chenevert remarked to respondant that he respondant & Burnett had done well in the purchase of the Giard claim and said he did not regret it that probably otherwise he should have got nothing as he would probably never have looked it up all of those heirs at the time of executing these deeds considered it an absolute sale of all their interest in said claim of Bazil Giard and neither of them expected to get anything more after they had received the payment stipulated in the deeds nor has either of them in conversation with respondant since the sale when said sale was mentioned ever to this day expressed any dissatisfaction of the sale or any expectation of any further remuneration for it, and always appeared satisfied with the sale until during the year 1854 as respondant is informed and believes, James Macgregor Junior employed an interpreter at five dollars pr day and went to the present complainants and persuaded them that they had been defrauded and that if they would deed a part of the property to him that he would be at all expense of recovering it and would give them a certain part thereof. and formed a combination and conspiracy with these heirs and nominal complainants to defraud if they could the owners of the said property. . . .

And this respondant further says that some time in the month of June 1854 on a Sunday afternoon the day of the month not

recollected he was walking in his garden with his wife and presently Mrs. L[ockwood] remarked to him, there comes that MacGregor again and expressed some displeasure at his coming there on Sunday and passed into the House and James MacGregor Jr. joined respondent in the garden and after the common salutations of the day commenced a conversation about the Giard tract of land enquiring as I then thought very impertinently about all the proceedings what and how we paid for it &c and whether we at the time we purchased it knew that it was confirmed and whether the heirs knew that it was confirmed and I answered him that neither the heirs nor Burnet or myself knew that it was confirmed and that all of us were very ignorant about the situation of it. and about this time in the conversation he proposed to give my wife a quarter section of land and by his motion understood it to be in the Giard claim and proposed to deed to my wife if I would make out the deed. what his object was I could not imagine but supposed that he thought & that he supposed by that, to interest me in some of his schemes against his brother Alexander I did not then think that he thought of purchasing of the heirs as he had previously and subsequently to his purchase of Burnet talked with me frequently about our title to the land and had always appeared satisfied that it was good. after this conversation we passed into the House and MacGregor took a paper from his pocket that apparently had something written on the inside of it and turned up the end of it and took either pen and ink or pencil and made a memorandum of what I had stated about the purchase of the Giard claim &c and observed to me you paid less than one hundred dollars for the whole. I answered him that we paid more but less than three hundred dollars not then reflecting about paying Paul Jessaume more than the amount that the deed called for. after he had completed the memorandum he showed it me and asked if it was correct I answered yes. he asked me if I would sign it I thought it a piece of impertine in him but I had stated the facts as I then recollected them I signed the memorandum he then said to me you have now no interest in the Giard grant I answered no I have sold all my interest in it. he again made the offer of conveying to my wife the quarter section of land if I would draw the deed to which I do not recollect the answer that I made but did not accept it. the next day when up in the village of St. Feriole I again met James MacGregor Jr. in front of Savages Store and

expressed my surprise that he had not left as he had told me the previous evening that he expected to leave in the morning he then observed to me that he found that it would not do, to deed that land to my wife but he would deed it to any other person that I would name. I then told him that I did not want it. a few days thereafter I heard of the purchase MacGregor had made of the heirs of Giard. it then satisfied me what he wanted of the memorandum and the object in offering me the land it then occurred to my mind that he might have something else written on that paper and turned it so as to get my signature to it without my knowledge.³⁹

In the replication of complainants, the Lockwood answer is denied, statement by statement.

They deny that Tunis Bell was an American, or that he served regularly in the American army; and they deny that said Tunis Bell & Paul Dussaume spoke the English language. They deny that Francis Chenevert was in such circumstances in 1836 as is represented by sd Lockwood. . . .

Plaintiffs deny that Mrs. Bell importuned said Lockwood to purchase her interest in said lands, or that any sale was made with her accord; and they deny that said Lockwood ever took any other deed than that which is in the bill mentioned: And they deny that the sum of one hundred dollars or any other sum was paid by said Lockwood to Tunis Bell & Mary Bell or either of them in 1832.

Plaintiffs deny that Tunis Bell & Mary Bell readily executed any deed to said Lockwood in 1836; and deny that they never expressed dissatisfaction to said Lockwood about his getting title to their lands.

Plaintiffs deny that the alleged sale made by Chenevert & wife to said Burnett was as is represented by said Lockwood; and they deny that they ever considered that they had made an absolute sale of their interest in said land; and deny that they were satisfied with said alleged sale; and they deny that said Francis Chenevert ever remarked to said Lockwood, "that he (Lockwood) and Burnett had done well in the purchase of the Giard claim and that he (Chenevert) did not regret it, & that probably otherwise he should have got nothing & he would probably never have looked it up," or any words of similar import or meaning.

³⁹ Dussaume et al. v. Burnett et al., answer of Lockwood, District Court Records, Dubuque, Iowa.

Plaintiffs deny that said James MacGregor, Junr, either by himself or by an interpreter persuaded the said heirs into any idea that they had been defrauded; but said heirs aver that they had long before that time had such idea, and continued to hold such idea. Plaintiffs deny that said James MacGregor Jr held out any such inducement to the said heirs and their husbands as is by said Lockwood alleged; and aver that none but honorable inducements were made: And plaintiffs deny all combination & confederacy as charged & aver that the sale to said James MacGregor Junr was made *bona fide*, & with perfect knowledge on both sides as to what was intended to be purchased and what intended to be sold, & the consideration therefor:⁴⁰

In the replication to the answer of the Powells complainants repeat their statement concerning MacGregor:

The plaintiffs deny that said heirs of Giard did not at the time of said conveyance to said James MacGregor Jr in 1854, pretend to own any interest or estate in said property, in manner & form as alleged in said answer: But they assert that they did pretend to own and possess an interest in said lands as stated in said bill of complaint; that they did make sale of said interest in said bill mentioned to James MacGregor Jr, and for the consideration therein expressed; that the transaction was a fair business transaction between the parties without any fraud, misrepresentation or misunderstanding between said parties. That the said James MacGregor Junr did wish to procure just such a deed as was then executed; and that the said heirs of Giard intended to make precisely that kind of a deed and no other, and they refer to the deed to speak for itself, whether the same is a quit-claim or warrantee said plaintiffs deny that said heirs of Giard pretended that they had not been defrauded by said Lockwood and Burnett as in said answer alleged, or that they had always said that the sale to said Burnett and Lockwood was *bona fide*: But on the contrary they aver that they always thought and believed that the same was not, and always believed it to be fraudulent and of no effect; although the said heirs admit that they have not always been fully aware of the full extent of their rights in the matter, but for a longtime supposed that they had been duped and overreached and

⁴⁰ Dussaume et al. v. Burnett et al., reply to answer of Lockwood, District Court Records, Dubuque, Iowa.

would be compelled to submit to their fate, as the matter had been got up in the first place by lawyers who they supposed understood their business; and that their remaining quiet was not through a consciousness that they had ever been paid for the said lands or that the said transaction was fair and honest, but it was alone through their ignorance of their rights and the supposition that they had been overreached in such manner as that they had no remedy: And that though they did remain quiet, they deny that they were satisfied with the transaction, and aver that they had not the slightest idea at the time that they were signing the documents, that the same were to have the effect of an absolute conveyance; but that they confiding in the said Lockwood and Burnett supposed that they were only obtaining the documents for the purpose of procuring a confirmation of the title; and that at the time of the execution of said documents, they, the said heirs, did not suppose their right to the said lands to be anything more than a mere uncertain claim, that would cost as much trouble, litigation and expense in procuring its confirmation as the same would be worth; that they would not for one moment have thought of parting with over five thousand acres of land for the mere nominal sum of less than three hundred dollars had they ever supposed that their title was good.⁴¹

A similar statement is made in the replication to Brunson:

And they deny that the said heirs understood the transaction to be a bona fide sale of their rights & interests in said claim, and they deny that the survivors of them have so admitted since the sale, but if they have said or done any thing that can be construed into an admission of their character, it was done in ignorance of their rights in the premises and under the circumstances herein after stated and set forth.⁴²

The weakness in these statements lies in their very similarity. The hand of MacGregor seemed apparent rather than the hand of the Giards. This is no doubt what Chief

⁴¹ *Dussaume et al. v. Burnett et al.*, replication to answer on behalf of Powell heirs, District Court Records, Dubuque, Iowa.

⁴² *Dussaume et al. v. Burnett et al.*, replication to Brunson, District Court Records, Dubuque, Iowa.

Justice Wright of the Iowa Supreme Court had in mind when he wrote later his scathing denunciation of MacGregor:

And should we even grant that, under ordinary circumstances, McGregor, though purchasing with notice, by his deed acquired all the rights, and could claim to take advantage of all the defects, which the wife of Dussaume could, we are far from believing that he can do so, under the proof here made. He seeks aid in a court of equity. He appeals to the *conscience* of a court of conscience. He asks for relief at the hands of a tribunal, which demands that its suitors shall come to its shrine with clean hands. As he *asks* equity, so he is supposed to have *done* equity, and to be ready to still comply with what is just and right. And yet, no act of his developed in this transaction, but shows to our minds most clearly that he has no right to ask any court, exercising chancery powers, to grant him relief. To our minds, it would be a reproach upon the principles of the law — a premium paid for cunning and duplicity — a reward offered to those who would stir up and maintain litigation — to permit him to take advantage of any defects in this deed. The heirs of Giard, it is very manifest, do not desire this litigation. — They have never employed counsel, and do not now seek to defeat the right of the heirs of Powell and Burnett, under the first deeds. They are beyond doubt mere instruments in the hands of McGregor. He seeks to use them for the purpose of accomplishing his scheme of speculation and fraud If he shall be successful in this design — if he would succeed in his speculation — he must seek some other tribunal than a court of equity. His demands are too unjust and unconscionable, to entitle him to aid in such a court.⁴³

It is very hard to know just what the heirs really understood or intended, for even while they were aiding in MacGregor's plans, signing his deeds, and consulting with I. Perrit Gentil, his agent, they signed a wholly contradictory statement witnessed by L. Leclerc, agent for Lockwood. This was dated February 26, 1855. Chenevert's statement read as follows: "I have never autherised any person or prsons to commence a suit against James. H.

⁴³ 5 Iowa 95, at 111, 112.

Lockwood the Heirs of Thomas. P. Burnett & the Heirs of Peter Powel or Either of them. nor have I ever ben consulted or had the slightest intimation of a suit being instituted untill the Presant time.”⁴⁴ This was signed by a mark and was witnessed by L. Leclerc.

The statements made by “P. Jusaume” and “F. Jusaume” and signed with their marks are identical with the Chenevert statement and bear the same date. Of these statements Leclerc said that they were not in his handwriting and he did not know in whose writing they were but that he was simply employed to get signatures.⁴⁵

It is probable from two statements that Leclerc himself was unscrupulous and unduly “persuasive”:

And the said Paul and Felicite Dussaume say, that one LeClaire, whom they believe to be the agent for the defendants, sent for the said Dussaume & wife to come to his office, in Prairie du Chien, some time in the month of February last, and since the commencement of this suit under pretense of wishing to see them in relation to the title to some lands in Keokuk, Iowa, . . . and that while at the office of the said LeClaire, he represented to these plaintiffs, that they had committed a criminal act, in making said conveyance to James MacGregor Jr. for which they were liable to be indicted & imprisoned in the State’s prison, and that they would be prosecuted for the same unless they would undo what they had done in making said conveyance, and in bringing this suit; and that these defendants did become much frightened by the severe threats that were made against them: and that while they were laboring under the fear and influenced as aforesaid, and before they could have an opportunity to consult their friends, or attorneys, the said LeClaire produced a paper which he required them to sign, at the same time stating, that the defendants would befriend them, and do what they could to get the plaintiffs out of trouble and save them from States prison; and that, in order to enable them to do so, the plaintiffs must sign the paper that was

⁴⁴ Dussaume et al. v. Burnett et al., District Court Records, Dubuque, Iowa.

⁴⁵ Dussaume et al. v. Burnett et al., testimony of L. Leclerc, District Court Records, Dubuque, Iowa.

then produced. That when these plaintiffs enquired what the paper contained, they were told, that it was not necessary for them to know, and that all they had to do was to put their signatures to what was written on said paper, and that they must do it or go to State's prison. — and that, under the circumstances aforesaid, they did sign the same; — That they had no knowledge as to what the paper contained, nor the use nor purposes for which the same was or is intended.⁴⁶

A deposition by Henry Delaney contained the following testimony. Leclerc tried to influence Paul Dussaume and Felicite Dussaume his wife to sign a paper. If they did not sign the paper, he said, they would go to prison, so they signed it. Leclerc told Dussaume and his wife that the paper which they had signed for James MacGregor was no good. Leclerc threatened Dussaume and his wife if they would not withdraw their suit from Lockwood and Brunson. Leclerc told Dussaume it did not matter what was in the paper, they had to sign. The purpose for signing this paper was to correct a fraud.⁴⁷

The case seemed to be a lawyers' game with no prospect of relief for the Giards whatever the decision. Even if Lockwood had used deception, were MacGregor's methods more honorable? If MacGregor admitted validity of deeds for a part of the claim wherein the MacGregors had acquired title, why question the same deeds as they conveyed to Lockwood and Burnett? The case presented a series of confusing complications.

Judge T. S. Wilson of the Dubuque District Court dismissed the case on May 19, 1856, and adjudged that "the defendants have and recover of and from the plaintiffs judgments for their costs in this behalf expended and that

⁴⁶ Dussaume et al. v. Burnett et al., replication to answer of Brunson, District Court Records, Dubuque, Iowa.

⁴⁷ Dussaume et al. v. Burnett et al., deposition of Henry Delaney, District Court Records, Dubuque, Iowa.

they have execution therefor. Plaintiff files notice of appeal.''⁴⁸

When the case was appealed to the State Supreme Court, the old issue of fraudulence and duress was raised. The question of the value of the land was also raised again. Depositions and statements of ten or more parties during the Dubuque case varied from an estimate of five cents an acre as a just value in 1836 (Brunson's estimate) to a dollar and a quarter, the government price for adjoining land. The Giards had received according to Lockwood's admission less than \$300 — practically none of it in cash.⁴⁹ Brunson's estimate of the value — \$288 — for the whole — is extraordinarily close to what his friends Lockwood and Burnett had paid! There is quite a disparity between that and \$7200 or even the \$3000 which the heirs believed it to have been worth in 1832.⁵⁰

However, on this point the Supreme Court decision reads:

When we remember, however, the frontier condition of the country in which this land is located, in 1832 and 1836 — when we bear in mind the want of knowledge on the part of both parties, as to the true state of the title, or whether anything would ever be secured — when we consider that while the property has now very greatly increased in value, yet at that time, it was in a comparative wilderness, and that the very best land was then sold at very low figures — we can well understand, that while the price then paid, would, if paid now, be grossly inadequate, yet under the circumstances then existing, it could hardly be so regarded.⁵¹

⁴⁸ Certified copy of Order of the Court, made by Clerk of the District Court of Dubuque County, January 29, 1931.

⁴⁹ In a deposition, Eva Putnam declared that she thought a fifty dollar debt against Tunis Bell at that time would have been worth about five dollars. — *Dussaume et al. v. Burnett et al.*, District Court Records, Dubuque, Iowa.

⁵⁰ *Dussaume et al. v. Burnett et al.*, testimony of I. Perrit Gentil, District Court Records, Dubuque, Iowa.

⁵¹ *Dussaume et al. v. Burnett et al.*, 5 Iowa 95, at 114.

The principal issue — the validity of the title of Lockwood and Burnett — was finally decided in 1857 in favor of Lockwood and the other defendants as against MacGregor and his co-complainants. The decision read in part:

We finally inquire, whether complainants are entitled to relief, upon the ground that the deeds to Burnett and Lockwood, were obtained by fraud, misrepresentation, and without consideration We conclude, therefore, that there is no sufficient ground for disturbing the decree of the court below, and it is therefore affirmed.⁵²

This ended the interest of the Giard heirs in the land. Today the numerous progeny of Basil Giard are no longer heirs; they have become merely descendants. Title came to the MacGregors and thereafter became the subject of further involved litigation. Alexander MacGregor held some land at the north boundary of the tract in 1858.⁵³ The unexplained transfer to him must be in some of the numerous and confusing records in Clayton County, but the litigation over the Giard land, after the Giard heirs were finally eliminated, is another story.

P. L. SCANLAN
 MARIAN SCANLAN

PRAIRIE DU CHIEN WISCONSIN

⁵² 5 Iowa 95, at 113, 114.

⁵³ Abstract of Lots 12 and 13, Block 53, N. McGregor, Iowa (Marquette).

STATUTORY BEGINNINGS OF COURTS IN IOWA MUNICIPALITIES

In undertaking a survey of the statutory beginnings of the judicial machinery of the towns and cities of Iowa we are impressed by the prominence accorded to the mayors in the municipal administration of justice. In the more than 900 incorporated cities and towns in this State, there are but six municipal courts,¹ six superior courts,² and ten police courts. All the other cities and towns are served by a mayor's court. In every case, the mayor was looked upon as the chief judicial functionary of the town before the adoption of the now existing court.

The fact that so many of the towns and cities of the State are so dependent upon the mayor in this matter makes a consideration of the office of mayor a matter of prime importance in studying the historical and statutory development of city courts in Iowa. From the historical standpoint, at least, the mayor's court is the basis of all our city courts. Accordingly, a glance at the development of this office is not without value.

Consulting the books for an etymological definition of the word "mayor" we turn the pages far back into the past. The word is from the Latin, the comparative of the word "magnus". It was in the kingdom of the Merovingian Franks that the term acquired a meaning bearing on its future application to the chief officer of the city govern-

¹ Ames, Clinton, Council Bluffs, Des Moines, Marshalltown, and Waterloo.—*Iowa Official Register*, 1931-1932, p. 183.

² Cedar Rapids, Grinnell, Iowa Falls, Keokuk, Oelwein, and Shenandoah.—*Iowa Official Register*, 1931-1932, p. 184; *Code of 1931*, Secs. 6530, 6651.

ment. The most important officer of the royal household was the mayor of the palace who was also the chief governor of Paris. The history of the period relates the story of how these "climbers" converted the weakness of the Merovingian rulers to their own advantage and in time became the rulers in name as well as in fact.

Wherever French ideas, influence, or customs were carried, the word "mayor" came into use; so at the present time we find forms of the word in France, Great Britain, Germany, Portugal, and in various parts of the British Empire.³

It is in England that we have the beginning of these functions and activities which we commonly associate with the office of the "mayor". Just what those beginnings were we are unable to say. Those long ago centuries are but fitfully lit, and here and there the dim twilight that partially discloses facts and forms becomes complete darkness. Beyond that lies conjecture and guess work. It is believed, however, that the office existed in fact for some time before it was recognized and defined by the municipal charters. It is generally accepted that there was no mayor in London prior to 1189, and there was a mayor by 1193. Norman influence was strong in London. The use of the term "mayor" to designate the chief officers in cities was common in northern France before 1189 and the application of this Frankish term to the portreeve, or head officer, of English cities was a natural result.

During the Thirteenth, Fourteenth, and Fifteenth Cen-

³ Norton's *Commentaries on the History, Constitution, and Chartered Franchises of the City of London*, p. 68. For further discussion on the historical background of the mayor's office see Fairlie's *Essays on Municipal Administration*, p. 20; McQuillen's *A Treatise on the Law of Municipal Corporations*, Vol. II, Sec. 433; Stubbs's *Constitutional History of England*, Vol. III, p. 485; and Pfiffner's *The Mayor in Iowa in Applied History*, Vol. V, pp. 255-259.

turies English municipal government was slowly shaped.⁴ By the end of the Fifteenth Century, the doctrine of the legal personality of the borough had been developed and the mayor as the chief magistrate was a permanent part of the organization. This does not, to be sure, mean the mayor as we think of him, the chief executive office of the municipality. The mayor was but one member of the close corporation which was either created by charter or recognized by custom. The general powers of the corporation depended upon the charter terms and upon the local usage or practice.

During the Seventeenth and Eighteenth Centuries the English mayor had important if somewhat varying powers. The scope and character of his powers depended greatly upon the provisions made for them in the borough charters. Borough administration was, for the most part, vested in the hands of the council, though the mayor had more power in these matters than he was to have in the New World during colonial days. The mayor was the presiding officer of the council and had the judicial powers of a justice of the peace.⁵ In all judicial matters he was the chief magistrate. He presided alone or with the recorder in whatever courts the borough maintained. He served as coroner for the borough and was the keeper of the borough gaol.

The American colonists built along the same lines, adopt-

⁴ An examination of the charters granted to the city of London by the King during these centuries is illuminating in this connection. A good discussion of these charters is to be found in Book II of Norton's *Commentaries on the History, Constitution, and Chartered Franchises of the City of London*.

⁵ To trace the development of the justice of the peace is a full-sized task in itself. Charles A. Beard has treated this in his doctoral dissertation on *The Office of Justice of the Peace in England*, in *Columbia University Studies in History, Economics, and Public Law*, Vol. XX. The "conservation of the peace" is now and has always been one of the chief functions of the mayor. It is through taking on the jurisdiction and powers of the justice of peace that this accrues to him.

ing insofar as was practicable the offices with which they were familiar. The mayor in colonial America was a part of the council and its presiding officer, as was the chief magistrate of European cities or the cities of England. The mayor as an independent officer, however, is a peculiarly American institution, a product of our philosophy of separation of powers and checks and balances. This is a development of the Nineteenth Century and, in its final form, brings the "strong mayor" full statured, sturdy and vigorous, filling a commanding position in the municipal governments.

The colonial mayor was the presiding officer of the council and in most cases had a vote as did other council members, but he had no veto or appointing power. His judicial powers were limited though he had the responsibility of trying various petty suits at law and holding coroner's inquests. Certain other lesser functions were given to him, varying with the different towns and charters or with local practices. Although the mayor and aldermen, as *ex officio* justices of the peace, tried minor cases individually they acted as a body in determining appeals. The judicial functions of the mayor, however, were no greater than those of the aldermen or the recorder, for that matter, since they were all justices of the peace during their term of office, and had the usual summary jurisdiction over petty criminal and civil cases. Then, too, the mayor, recorder, and aldermen of each borough often sat together as the local court of record, with a regular time for meeting during which it tried some of the more important cases. Occasionally this group served also as members of the county court.

With the Revolution won and the necessity of forming a new national organization forced upon the people, we find much thought given to new political ideas. All government in this country was in a plastic and formative period.

Municipalities quickly yielded to the new order and incorporated similar features in their organization when they revised their charters as not a few of them did in the late Eighteenth Century and in the opening years of the Nineteenth Century. The Baltimore charter of 1796 is an example of this movement. It is in this period when the mayor's power was growing that the movement across the Alleghenies into the Northwest Territory took place and it was while this power was still increasing that the settlement of the great Mississippi Valley began. The position of the mayor in Iowa and in the trans-Mississippi West may be traced from a period when his power was expanding.

A glance at the charters given by the legislatures in 1839 and 1840 shows the variations in the state of the mayorship at this time. In one series of incorporations the officers prescribed for the town were a president, recorder, and three trustees. The president, recorder, and trustees were a body corporate and politic, with the power to ordain and establish by-laws, rules, and regulations for the government of the town. Under this plan it was the duty of the president to preside at all meetings of the town council. This was the older collegiate form carrying over.

In the other group, the officers prescribed for the town were the mayor and aldermen who were to have the power of making and establishing by-laws and ordinances for the government of the city. Under this plan the mayor, although required by the charter to attend and preside at all council meetings, had no vote except in case of a tie.

As the duties became more extensive, we find that the mayors in the larger centers no longer had the time, or the facilities, for exercising the rather considerable criminal and civil jurisdiction of the earlier American mayors. As a result these duties were transferred to specialized offi-

ciala who could devote entire attention to the problem. In New York City, for example, the powers of the mayor's court were given over to the recorder's court. But in the smaller towns and cities of the country, the mayor's court continued active and still plays an important rôle in the local administration of justice.

In Iowa, as in the other States of the New West, the first system of government set up was more than likely to be the county or township government or both, and within these districts justices of the peace served.⁶ They were usually elected locally to take care of the petty local judicial functions required in rural districts although their jurisdiction as a general thing extended beyond their own bailiwick and to the boundaries of the entire county. A glance at the beginnings of local government in the Iowa country is not without value in this matter.

The forms of local government in Iowa came from the seaboard States, through the Northwest Territory, the Territory of Michigan, and the Territory of Wisconsin.⁷ The first provision for the western territory was made on September 2, 1834, by the Sixth Legislative Council of the Territory of Michigan which was meeting in an extra session at Detroit. On that date the Governor of Michigan Territory suggested in a message to the Council that it take up the matter of establishing a system of local government west of the Mississippi River — referring to the territory included in the Black Hawk Purchase. The result was "An Act to lay off and organize counties west of the Mississippi River", which was approved on September 6, 1834.⁸

⁶ Aurner's *History of Township Government in Iowa*, pp. 107-113.

⁷ Shambaugh's *Documentary Materials Relating to the History of Iowa*, Vol. I, p. 49.

⁸ *Laws of Michigan and Wisconsin, 1834-1836*, p. 278. See also Garver's *History of the Establishment of Counties in Iowa* in THE IOWA JOURNAL OF

This act provided for two counties, Dubuque and Des Moines (Des Moines), each of which was to constitute a single township. The county and township lines were the same. It was evidently the intention of the legislature to place the government of the county and township in the hands of a single board.⁹

The act further provided that all laws then in force in the "County of Iowa", not locally inapplicable, should be extended to the counties of Dubuque and Des Moines. The "County of Iowa" referred to a county of the Territory of Michigan, located east of the Mississippi River, which had been established in 1829.¹⁰ It would seem then that the laws governing the two original counties of Iowa were adopted from laws of an earlier date, which were already in effect in Michigan Territory. The affairs of local government at this time, it appears, were placed largely in the hands of a board of supervisors, who had the functions of both township and county officers.¹¹ Judicial officers were appointed by the Governor and included judges of the county and probate courts, clerks of court, justices of the peace, and notaries public.

When a part of the Territory of Michigan was admitted as a State, the remainder was organized as the Territory of Wisconsin by an Act of Congress, approved on April 20, 1836.¹² The Iowa country was included in the new jurisdiction. At the first session of the Wisconsin legislature at Belmont in 1836 an act was passed dividing the county of

HISTORY AND POLITICS, Vol. VI, p. 380; Swisher's *History of the Organization of Counties* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XX, pp. 490-494.

⁹ Aurner's *History of Township Government in Iowa*, pp. 18, 19.

¹⁰ *Laws of the Territory of Michigan*, Vol. II, p. 714.

¹¹ *Laws of the Territory of Michigan*, Vol. II, pp. 317, 584.

¹² *United States Statutes at Large*, Vol. V, p. 10.

Des Moines (this the spelling now) into several new counties. This act was approved on December 7, 1836, and went into effect immediately.¹³

That the justices of the peace were officers of considerable importance in this day of scanty settlement and long distances is indicated by the Wisconsin statute prescribing their powers and duties and regulating their proceedings, which was approved on January 17, 1838. The act provided that the Governor should appoint in each of the organized counties of the Territory as many justices of the peace as in his opinion were required for the public good and the wants of the people. The term of service of a justice of the peace at that time was four years. The law made elaborate provision for the procedure and jurisdiction of the justice of the peace.¹⁴

On June 12, 1838, Wisconsin Territory was divided¹⁵ and that part of the Territory lying west of the Mississippi River and west of a line due north from the source of that river was formed into a new Territory to be known as the Territory of Iowa.

The first session of the Legislative Assembly of the Territory of Iowa was held at Burlington on October 12, 1838, in the old Zion Methodist Church.¹⁶ On January 21, 1839, the legislature passed an act to provide for the appointing of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings. It is a comprehensive sketch of powers and duties, forty-two pages in length, and would seem to indicate the course of justice in the new country.

At first no distinction was made between the responsi-

¹³ *Laws of the Territory of Wisconsin*, 1836-1838, p. 76.

¹⁴ *Laws of the Territory of Wisconsin*, 1836-1838, pp. 309-357.

¹⁵ *United States Statutes at Large*, Vol. V, p. 235.

¹⁶ *Iowa Historical Record*, Vol. IV-VI (1888-1890), pp. 516-522.

bility placed on the justices of the peace before and after an increase in population led to the establishment and incorporation of towns. There was in these first towns no evidence of a mayor's court as such. It would seem that the justice of the peace functioned in the same way after the formation of a town as before. For example, on December 6, 1836, the legislature of the Territory of Wisconsin passed an act to incorporate such towns as wished to be incorporated. There is no mention in this act of any particular court for the town, though it is stated that the president and trustees may impose fines for the breach of the town ordinances, which fines, together with the costs of the suit, may be recovered before any justice of the peace by action of debt, in the name of the president and trustees of such town, and may be collected by execution as other judgments of the justices of the peace.¹⁷

In 1838, the Council and House of Representatives of the Territory of Wisconsin passed two acts of incorporation for Iowa towns, Burlington and Fort Madison each receiving a special charter on January 19, 1838.¹⁸

In the Burlington charter the mayor was made a conservator of peace within the city, but all trials for the violation of the by-laws, ordinances, and regulations of the city were to be before a justice of the peace. The justices of the peace resident in the city also had the power, as well as the duty, to issue all needful process for the apprehension of offenders against the laws, ordinances, and regulations of the city, to hold court for the trial of such offenders within the city, and to fine or imprison those found guilty, as the ordinances of the city and the facts of the case might require. For that purpose the justices of the peace were authorized and required to summon a jury when necessary.

¹⁷ *Laws of the Territory of Wisconsin, 1836-1838*, p. 68, Sec. 8.

¹⁸ *Laws of the Territory of Wisconsin, 1836-1838*, pp. 470, 481.

This was supplemented by a provision that no person should be deprived of his or her liberty for any offense, or fined in a sum greater than twenty dollars, unless convicted of such offense by a jury of twelve citizens of the city who were also qualified voters. All offenders, on conviction, were liable for the costs of prosecution, and judgment was to go accordingly.

In case of acquittal the judgment was to be paid by the municipal corporation. In cases arising under the municipality, the common council was also required to fix by ordinance the fees of the jurors, as well as the fees of the justice of the peace, marshal, and all other officers. All process in behalf of the city was to be executed, served, and returned by the marshal. It was to run in the name of the United States and was to conform to all requisitions and provisions made by the mayor and aldermen in common council.

In the Fort Madison charter the president and trustees of the town were given the power to impose appropriate fines for breaches of city ordinances, and to provide for their collection.¹⁹ Nothing is said about the agencies which are to be employed in hearing these cases.

At the first session of the Territorial legislature of Iowa at Burlington in 1838, charters were granted to Bloomington and Davenport.²⁰ By the terms of the Bloomington charter, granted on January 23, 1839, the president and trustees of the town were given the power to impose fines for ordinance violations.²¹ In the charter granted to Davenport two days later the mayor, recorder, and trustees were given the power to impose a fine not exceeding \$12.00 for a breach of ordinances. This was to be recovered, with

¹⁹ *Laws of the Territory of Wisconsin*, 1836-1838, p. 483.

²⁰ *Laws of the Territory of Iowa*, 1838-1839, pp. 248, 265.

²¹ *Laws of the Territory of Iowa*, 1838-1839, p. 250.

costs, before a justice of the peace, by an action of debt in the name of the corporation.²² The justice of the peace, it would seem from this, was the judicial officer of Davenport at this date.

At the second session of the Iowa Territorial legislature in 1839-1840, Salem and Dubuque were given charters.²³ The Salem charter, approved on January 14, 1840, contained the same provisions as did the Bloomington charter with regard to fines, and said nothing concerning the judicial administration of the town ordinances.

The Dubuque charter was approved on January 17, 1840. It provided that the mayor and aldermen should have the power to fix reasonable fines for violations of ordinances of the corporation. But no person could be fined more than \$50.00 for one offense against an ordinance. This fine was recoverable by an action of debt before any justice of the peace or any magistrate of competent jurisdiction within the city.

The council was also required to appoint a marshal for the city. It was to be his duty to execute and return all process directed to him by the mayor or any justice of the peace within the corporation in the name of the mayor and the aldermen of the city of Dubuque. The marshal's authority, duties, fees, and liabilities were to be the same as those of a constable in the county.²⁴

The dependence of local justice upon the justice of the peace may also be seen from an act passed on August 1, 1840, which provided that the precinct in which Mount Pleasant in Henry County was situated be allowed to elect three justices for that precinct.²⁵

²² *Laws of the Territory of Iowa, 1838-1839*, p. 266.

²³ *Laws of the Territory of Iowa, 1839-1840*, pp. 72, 124.

²⁴ *Laws of the Territory of Iowa, 1841-1842*, p. 120.

²⁵ *Laws of the Territory of Iowa, 1840*, p. 51.

The next year — 1841 — Farmington, Nashville, and Iowa City were given charters. These charters do not go into the matter of judicial administration save for a clause in each giving the president and the councilmen the power “to fix to the violation of the by-laws and ordinances of the corporation such reasonable fines and penalties as they may deem proper.”²⁶

At the same session of the legislature an act was passed providing for the election of additional justices of the peace and constables in the towns of Montrose and Keokuk, in Lee County, at Jefferson and Salem, in Henry County, and at Philadelphia, in Van Buren County.²⁷ The justice, it would appear, was still carrying the heavy load in local litigation.

In 1842, Davenport and Fort Madison were given new charters.²⁸ In the charter granted to Davenport, the mayor and aldermen were given the power to fix and impose fines and penalties for breaches of city ordinances, provided the fine was not over \$20. This fine and the costs of the suit could be recovered before any justice of the peace, or court, having jurisdiction of the matter by an action of debt in the name of the corporation. The person fined was to remain in the custody of the marshal until the debt and the costs were paid, or be imprisoned not more than four months in the common jail, or in the guardhouse of the community. The person fined in such a fashion, however, was given the right of appeal to the district court of the county. The charter for the town of Fort Madison provided a similar arrangement.

At the same session of the legislature, Mount Pleasant

²⁶ *Laws of the Territory of Iowa, 1840-1841*, pp. 33, 88, 97.

²⁷ *Laws of the Territory of Iowa, 1840-1841*, p. 86.

²⁸ *Laws of the Territory of Iowa, 1841-1842*, pp. 41, 74.

and Keosauqua were given charters,²⁹ the Mount Pleasant charter making no mention of local justice save after the fashion of the Farmington, Nashville, and Iowa City charters. The charter granted to Keosauqua was different, however. By its terms the mayor, or any justice of the peace, residing within the limits of the corporation,³⁰ was to have jurisdiction co-extensive with the county, in all cases where the mayor and aldermen of the city were plaintiffs or complainants. All fines collected for any violation of the laws of the Territory, where the offense had been committed within the corporation, were to be paid into the city treasury. The charter further provided that two justices of the peace be elected at the first election, the one with the highest number of votes for two years, and the other for one year. After that one justice of the peace was to be elected annually and was to hold office for two years or until his successor was selected.

At the session of 1842-1843, the Keosauqua charter of 1842 was amended by an act which provided among other things that the mayor was to be liable for any neglect or malpractice in office in all respects as justices of the peace were liable, or might be liable. The act further provided that the use of the county jail was to be allowed to the city authorities of Keosauqua for the confinement of persons committed by any justice of the peace in cases of the violation of the ordinances of the city.³¹

During the next two sessions of the legislature no further charters were granted, though the original charters of several towns were altered, amended, or revised. Among these were Farmington, Davenport, Fort Madison, and Iowa

²⁹ *Laws of the Territory of Iowa, 1841-1842*, pp. 14, 107.

³⁰ *Laws of the Territory of Iowa, 1841-1842*, p. 109.

³¹ *Laws of the Territory of Iowa, 1842-1843*, p. 44.

City.³² Burlington received a new charter in 1845, and in 1846, Dubuque was granted another charter.³³ In the matter of administration of justice in the city the two charters had similar provisions. Both provided that the justices of the peace in the city should have full power and authority, when required by the city authorities, to issue all needful process for the apprehension of offenders against the by-laws, ordinances, and regulations of the city.

Justices of the peace were also given the power to hold court for the trial of all offenders within the city and to fine, imprison, or discharge the same as the ordinances of the city and the facts of the case required. For that purpose they were authorized and required to impanel a jury of six qualified voters of the city. Upon conviction all offenders were to be liable for the costs of prosecution and judgment was to go accordingly. In case of acquittal the costs were to be paid by the corporation, after being allowed by the city council.

Any process on behalf of the city was to run in the name of the United States for the use and benefit of the city and was to conform to the requisitions and provisions made by the mayor and aldermen in common council. It was served, executed, and returned by the marshal of the city and until other provisions were made it was to be lawful for the justices of the peace to commit all offenders against the city laws, upon conviction, to the county jail. In cases where a portion or all the punishment was imprisonment, the keeper of the jail was required, by the terms of the charters, to receive such persons into his custody in the jail in the same manner as in ordinary cases on the proper warrant of a justice of the peace. The expenses of imprisonment, in cases where the same could not be collected from the per-

³² *Laws of the Territory of Iowa*, 1843-1844, pp. 113, 149, 150, 152, 156.

³³ *Laws of the Territory of Iowa*, 1845, pp. 73-85, 1845-1846, pp. 114-124.

sons convicted and imprisoned, was to be paid out of the treasury of the city or town. The fees of the justices and jurors, in such cases, were the same as those allowed by the statutes of the Territory of Iowa.

All trials for the violation of city laws were to be in a summary manner, but no person could be deprived of liberty, or be fined more than twenty dollars, unless convicted by a jury of six qualified voters of the city.

When Iowa became a State in 1846, fifteen towns had received charters from the legislature — two towns from the legislature of the Territory of Wisconsin, and the others from the legislature of the Territory of Iowa.

With a new country building, with people living for the most part at great distances from each other, and with the means of transportation slow and tedious, it was natural that there should be set up local courts of a non-technical character, which should settle controversies quickly and according to common sense rules. Disputes and misdemeanors were neighborhood matters that could be settled in the neighborhood. The ordinary petty controversies within the town were handled, as previously, by the justices of the peace, the traditional arbiters of small disputes. If the legislative body of the new town was given the power to make ordinances, regulations, or by-laws, with the consequent power of prescribing pains and penalties for their violation, it was only natural that the ancient office of the justice of the peace be made to serve the purpose of enforcement. For offenses of a more serious character there was the general court sitting within the county.

At the first session of the General Assembly of the new State of Iowa which met for the first time on November 30, 1846, at Iowa City, two towns — Farmington and Dubuque — were granted new charters.³⁴ In the charter of Farm-

³⁴ *Laws of Iowa, 1846-1847*, Chs. 79, 82.

ington, approved on February 22, 1847, it was provided that the mayor should be ex officio conservator of the peace throughout the city. He was also to have the powers and jurisdiction vested in justices of the peace in matters of a criminal nature, and was to receive the same fees as were allowed to justices of the peace for similar services.³⁵

This is the first instance of what later comes to be the most common policy in handling the administration of justice in the towns. The mayor was given a share in the responsibility for law enforcement and was made the main instrument in the administration of justice. The charter granted to Dubuque at the same session and only two days later, however, makes no mention of such a change. In that charter, the justices of the peace were still used for these duties. The same holds true of the charter granted to Fairfield,³⁶ and to Keokuk³⁷ at the same session.

In the third charter given to Fort Madison, which was granted on January 25, 1848, the mayor and aldermen were given the power to fix and impose fines and penalties for breaches of the ordinances and by-laws passed by them, provided the fine did not exceed \$20.00. Such fine was recoverable, together with the costs of the suit, before the mayor. To make this possible the mayor was invested with authority to hear, try, and determine all such cases.

The fine was recoverable by an action of debt in the name of the corporation. The process issued against the person to compel his appearance was to be a warrant of arrest, issued in the name of the State of Iowa and attested by the mayor. The process issued for the collection and satisfaction of the fine was to be a warrant, issued in the name of the State of Iowa and attested by the mayor, commanding

³⁵ *Laws of Iowa*, 1846-1847, Ch. 79, Sec. 9.

³⁶ *Laws of Iowa*, 1846-1847, Ch. 38.

³⁷ *Laws of Iowa*, 1846-1847, Ch. 110.

the marshal of the town, by levy and sale of the property of the accused, to collect the fine and costs.³⁸

On December 13, 1848, Keokuk received its second charter. By the terms of this instrument³⁹ the mayor was given full power and authority within the city to issue all needful process for the apprehension of offenders against any of the city laws. It was also made his duty to do so when proper complaint and application was made before him. He was also empowered to hold a court for the trial of all offenders within the city, and to fine, imprison, or discharge the same as the city laws and the facts of the case might require. To that end, he was authorized and required to summon a jury of six qualified voters of the city.

The mayor was also authorized to issue all needful process to arrest any offenders against the criminal laws of the State and was to try such person or persons by the same rules that governed justices of the peace. In criminal matters arising under the law of the State the marshal was to have the same powers and duties within the city and was to receive the same compensation as any constable in Jackson Township.

All trials for the violation of city laws were to be in a summary manner, but no person could, for any offense, be deprived of liberty, or "be fined in any sum not less than one, nor more than fifty dollars, unless convicted by a jury of six citizens".⁴⁰

Cedar Rapids, which was granted a charter on January 15, 1849, at the same session, depended on the justices of the peace for the recovery of any fines imposed for violations of municipal ordinances.⁴¹

³⁸ *Laws of Iowa*, 1848 (Extra Session), Ch. 64.

³⁹ *Laws of Iowa*, 1848-1849, Ch. 3.

⁴⁰ *Laws of Iowa*, 1848-1849, Ch. 3, Sec. 25.

⁴¹ *Laws of Iowa*, 1848-1849, Ch. 87.

Muscatine (formerly Bloomington) was created a city by an act passed on February 1, 1851. By the terms of this act⁴² the mayor was, by virtue of his office, a justice of the peace. He was accordingly vested with exclusive original jurisdiction of cases arising under the ordinances of the city and was granted criminal jurisdiction over offenses against the laws of the State committed within the city. His civil jurisdiction was limited to the city in the same manner that the jurisdiction of the justice of the peace was limited or may be limited to his township. The mayor was not disqualified from acting in a judicial capacity because any proceedings were in the name of, or on behalf of the city.

In all civil actions and in actions for the breach of the laws of the State, he was entitled to demand and receive such fees as were at the time allowed by law to justices of the peace. Appeals were allowed from the mayor's judgment and decisions to the district court in the same cases, time, and manner, as they were at the time allowed from those of justices of the peace, and were to be tried in the same manner.

The mayor was not a conservator of the peace as he was at a later date, this function being given over to the marshal, who was the executive officer of the mayor's court and executed and returned all process directed to him by the mayor. The importance of the marshal was further indicated by the provision which invested him with the same authority within the city to quell riots and disturbances and to prevent crimes and arrest offenders that the sheriff had within the county. He was also required to perform any other duty that the council might prescribe and, with the approval of the council, he was permitted to appoint one or more deputies, for whose official acts he was held

⁴² *Laws of Iowa, 1850-1851, Ch. 32.*

responsible, and whom he might discharge. For services required by the council he was permitted such compensation as they might allow. For serving legal process he was entitled to the same fees as a constable.

The council was empowered to impose penalties, not exceeding \$100, for the violation of its ordinances, which might be recovered by a civil action before a justice of the peace.⁴³

At the same session, on February 5, 1851, the legislature granted a charter to Davenport which made the mayor a justice of the peace for the city. He was also made a conservator of the peace in the city of Davenport, and was given the power and authority to administer oaths, issue writs and processes under the seal of the city, take depositions, acknowledge deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city which was to be good and valid in law. He was to have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all justices of the peace in all criminal and civil cases within the county, arising under the laws of the State. He was also to have such jurisdiction as might be vested in him by ordinance of the city for the enforcement of health and quarantine regulations.

Before entering upon the discharge of his duties he was required to give bond and security with the same penalties and under like conditions as those required by law of justices of the peace. The marshal was made the executive arm of the mayor's court in all necessary matters such as service and return of process.⁴⁴

Iowa City was granted a charter on February 4, 1851.⁴⁵

⁴³ *Laws of Iowa, 1850-1851, Ch. 32, Sec. 20.*

⁴⁴ *Laws of Iowa, 1850-1851, Ch. 55.*

⁴⁵ *Laws of Iowa, 1850-1851, Ch. 43.*

By this act the mayor was made a conservator of the peace within the city and ex officio a justice of the peace. The marshal was the executive officer of the mayor's court. But in the charter given to Mount Pleasant on the next day — February 5, 1851 — no mention is made of any such power vesting in the mayor.⁴⁶ And in the charter granted to Guttenberg, which was also approved on February 5, 1851, we find the justice of the peace still functioning as under the older charters.⁴⁷

In another charter approved on the same day — February 5, 1851 — this one granted to Bellevue, it was expressly stated that any justice of the peace residing within the town should have full power and authority and it was made his duty to issue all needful process for the apprehension of any offenders against the laws of the city.⁴⁸ On the other hand the legislature approved another charter, incorporating the city of Keosauqua, in which the mayor was invested with all the powers then granted to justices of the peace for the purpose of hearing, trying, and determining all offenses against the ordinances of the city.⁴⁹

During the next two sessions and in the extra session of 1856, at least twelve charters were granted and in all of these we find provisions giving to the mayor the powers and duties of a justice of the peace. He shared with the marshal in the same list of cities the powers of conservator of the peace.⁵⁰

In a charter granted to Keokuk during the extra session it was provided that there be established a court called the

⁴⁶ *Laws of Iowa*, 1850-1851, Ch. 82.

⁴⁷ *Laws of Iowa*, 1850-1851, Ch. 50.

⁴⁸ *Laws of Iowa*, 1850-1851, Ch. 88.

⁴⁹ *Laws of Iowa*, 1850-1851, Ch. 62.

⁵⁰ *Laws of Iowa*, 1852-1853, Chs. 27, 63, 64, 1854-1855, Chs. 11, 18, 71, 85, 89, 91, 1856 (Extra Session), Chs. 15, 20, 23.

“recorder’s court”. This court, within the city of Keokuk, was to have all jurisdiction both civil and criminal, with the rights, powers, and authority of a justice of the peace, and all the judicial authority, rights, and powers, vested by law or by city ordinance in the mayor of the city.

After the recorder was elected and qualified, the mayor of the city was to exercise no judicial functions whatsoever, but was to be the executive officer of the city, and as such was to have the right to remit fines and pardon offenses committed against the municipal ordinances and regulations of the city.

The recorder was to hold office for two years, take the usual oath of office, and give the same bond as was required of the justices of the peace. He was also to give a bond in penalty of one thousand dollars to the city of Keokuk, to perform his duty as judge of the recorder’s court. This bond was to be approved by the mayor.

The recorder was to receive the same fees that were allowed to justices of the peace for the same services and such additional payment as the council might from time to time determine by ordinance. This compensation was not, however, to be so increased or lessened, as to affect a person then in office during the term for which he was elected.⁵¹

Council Bluffs was granted a similar court by an act approved⁵² on January 23, 1857, which amended the charter then in existence.

The legislature was extremely active in the year 1857, granting sixteen charters and revising some of the older ones. In all of these charters save one, we find that the judicial duties of the mayor are recognized. He is in all cases functioning as a justice of the peace and in most

⁵¹ *Laws of Iowa*, 1856 (Extra Session), Ch. 17.

⁵² *Laws of Iowa*, 1856-1857, Ch. 102.

cases serving as a conservator of the peace. We also find the marshal serving as the executive officer of the mayor's court.⁵³

Dubuque was the exception to the rule, and was permitted to establish a city court. This act, approved on January 28, 1857, provided for a court which was to be a court of record and have a seal. The officers were to be a judge, a clerk, and the city marshal. The court was to function every day during the year, except on Sundays and holidays, and its sessions were to be divided into monthly terms, commencing on the first Monday of each month. It was to be held in a suitable room provided by the council.

The judge of the city court was elected at the annual election held for city officers. His term of office was four years. He must be a qualified elector of the city and learned in the law. He had to take the same oath required by the judges of the supreme and district courts and he was required to file this with the recorder and likewise be commissioned by the mayor. His salary was fixed by the city council but was not to exceed \$1500 per year payable out of the city treasury.

The clerk of this court was elected at the annual election. He was to be a qualified voter of the city. He held his office for a term of two years, and was required to give bond to the city of Dubuque in the sum of \$5000 under practically the same conditions as were required by law of the clerk of the district court. His salary was fixed by the city council, and was not to exceed \$1000 per year payable out of the city treasury.

The powers, duties, and responsibilities of the judge, clerk, and marshal of this city court were to correspond to those of the judge, clerk, and sheriff of the district court.

⁵³ *Laws of Iowa*, 1856-1857, Chs. 41, 42, 44, 100, 121, 122, 128, 137, 150, 152, 163, 185, 197, 202, 211, 253.

The authority of the process of this court was the same as that of the district court and might be served by the city marshal or the sheriff. The marshal, however, did not have the power to serve process, other than subpoenas, beyond the limits of the city.

The court was given extensive jurisdiction. It had jurisdiction of all offenses and suits under the city ordinances, and had general jurisdiction concurrent with the district court in certain civil cases and was to have concurrent jurisdiction with justices of the peace in all criminal cases.

In case of ordinance violations, actions were to be brought in the name of the State of Iowa, for the use of the city of Dubuque. The proceeding was by sworn information, which was filed with the clerk of the city court, or with any justice of the peace of the city, whereupon warrant was issued for the apprehension of the accused. But certain persons designated by ordinance might arrest persons actually found violating any ordinance, and commit them for a trial without warrant. In all cases, the trial was to be in a summary manner and without the intervention of a jury, unless demanded by the defendant.

The fees in the court were the same as in the district court. These fees and all fines and forfeitures were accounted for by the clerk of the court to the city of Dubuque. They were paid into the city treasury as often as the city council directed. The fees of the marshal and other officers serving the process and executing the orders of the court belonged to and were payable to the officers serving the same.

When the city judge was absent or suffering from a disability the criminal business pending in the city court was transferred to some justice of the peace having jurisdiction of the subject matter, by having a delivery to him of all the papers relating to the matter. He then proceeded

to dispose of the matter as if the prosecution had originally commenced before him. All civil business was continued as in similar cases in the district court.⁵⁴

In 1857, the new State Constitution went into effect. Among other things it contained a provision prohibiting the legislature from enacting special laws. In consequence, the legislature meeting in 1858 passed a general act for the incorporation of cities and towns and no more special charters were granted to Iowa cities.

Using the time of the adoption of the Constitution as a dividing line, we find that previous to 1857 the towns depended upon one of four agencies in the administration of justice. The first and most common agency was the justice of the peace. Then the mayor took over the functions of justice of the peace. In some cases he was also invested with the functions of a conservator of the peace, whereas in others this function was given to the town marshal, who was the executive arm of the mayor's court. At the turn of this period we find two new agencies introduced which supplanted the mayor as the judicial officer of the town. One was the recorder's court, established at Keokuk and Council Bluffs in 1856, and the other was the city court established at Dubuque in the following year, 1857. Apparently the administration of justice was becoming more complex in Iowa urban centers at the time the new Constitution was adopted and the separation of judicial and executive functions had begun.

After 1857, several new types of courts were added as the need became urgent and times demanded. In 1858, the General Assembly passed an act to provide for the election of police judges in cities of the first class under the general incorporation act, and the establishment of police courts in such cities. The statute provided that the police

⁵⁴ *Laws of Iowa, 1856-1857*, Ch. 210, Secs. 28-36.

judge of any such city should have power to hold court. This court was to be styled the "police court".

The police court was to be a court of record and was to have a seal provided by the city council. It was to have jurisdiction and power to determine all cases of violation of the ordinances of the city which were to be prosecuted in the name of and in behalf of the city. It could hear and determine all cases of petit larceny, or other minor offenses of any description committed within the city, or within one mile thereof, which the Constitution or some law of the State did not require to be prosecuted by indictment on presentment of a grand jury.

Prosecutions for all such offenses were to be brought and conducted in the name of the State. For the purpose of exercising this jurisdiction, the police court was to have all the power of the district court in the hearing and determining of cases. It had this power also in the matter of issuing of process, preserving order, and punishing contempt, administering oaths, and impaneling juries.

The city council was required to provide suitable rooms for the police court. The council was also to provide for the election by the qualified electors of the city, or for the appointment by the police judge of a clerk for the police court, and for the selection, summoning, and impaneling of juries, and for all matters touching the court as might tend to increase its speed and efficiency. No clerk of the police court could in any way be concerned as counsel or agent in the prosecution and defense of any person before that court. The city marshal was required to attend the sittings of the police court to execute its orders and process and preserve order. In case he could not attend, this duty devolved upon his deputy.⁵⁵

⁵⁵ *Laws of Iowa*, 1858, Ch. 157, Secs. 76, 87-92. For an account of the police court, see *Applied History*, Vol. VI, pp. 177-190.

On February 9, 1870, the General Assembly of the State passed an act to provide for the election of a police judge, and the establishment of a police court in cities acting under special charters. This did not compel such city to elect a police judge but left it contingent on the wishes of the city.⁵⁶

On March 17, 1876, the General Assembly of the State passed an act authorizing the establishment of superior courts in cities, including special charter cities, having a population of 5000 or more.⁵⁷ The superior court, when established, took the place of the police court.

The superior court was to have jurisdiction concurrent with the district and circuit courts, save where those courts had exclusive jurisdiction and in actions for divorce. It also had jurisdiction over all appeals and writs of error, in civil cases, from justices' courts within the township or townships in which the city was located, and, by consent of the parties, from justice courts in other townships in the county. Such appeals and writs of error were to be taken in the same time and manner as if they were taken to the circuit court.

The superior court also had exclusive original jurisdiction to try and determine all actions, civil and criminal, for the violation of city ordinances, and all the jurisdiction conferred on police courts, then and in the future. It also had jurisdiction co-extensive and concurrent with justices of the peace, in all actions, civil and criminal.

The judge of the superior court was to have the same power in regard to injunctions, writs, orders, and other proceedings, out of court as was at that time, or might thereafter be possessed by the judges of the district or

⁵⁶ *Laws of Iowa*, 1870, Ch. 12.

⁵⁷ *Laws of Iowa*, 1876, Ch. 143. For an account of the superior court, see *Applied History*, Vol. VI, pp. 190-202.

circuit courts. He was also empowered to administer oaths, take acknowledgments and depositions (save for depositions to be used in his own court), and solemnize marriages. On the other hand he was forbidden to practice in any of the courts of the State.

The superior court was made a court of record, and all statutes in force respecting venue and commencement of actions, the jurisdiction, process, and practice of the circuit and district court, the pleadings and mode of trial of action at law or in equity, and the enforcement of its judgments by execution or otherwise, and the allowances and taxing of costs, and the making of rules for practice, or otherwise, were applicable to the superior court, except when inconsistent with the provisions of the act creating the superior court.

The judge of the superior court was to act as the clerk of the court as long as the business of the court could be done with convenience and dispatch. But when, from the accumulation of causes and other demands upon the court a clerk might become necessary, the city recorder, or clerk, was to be the clerk of the superior court, and was to receive such compensation for his services as the city council might from time to time allow. This clerk was required to perform the same duties in this court as was provided by law for the clerk of the circuit court.

The city marshal was the executive officer of the court. His duties and authority in the court and in executive process were the same as those of the sheriff of the county in the circuit court. He also received the same fees and compensation as the sheriff for similar services.

The salary of the judge was to be paid quarterly. That for the first two quarters of the municipal year was to be paid from the city treasury, and the salary for the last two quarters from the county treasury.

In order to provide jurors for the court, the judge, mayor, and recorder immediately after qualifying to serve and every three months thereafter made out a list of twelve names of persons qualified to serve as jurors in the district court. This list was furnished to the clerk of the superior court, and from this list the clerk and the marshal drew the names of nine persons in the same manner as jurors were drawn in the district court. The jury consisted of six qualified jurors, unless a jury of twelve was demanded, in which case the clerk might issue a special venire for that purpose, or the city marshal might complete the jury from the bystanders. But no party was to be entitled to a jury of twelve, until the person demanding the same had deposited with the clerk the sum of \$6 to be paid the jurors and taxed with the costs.

On April 9, 1915, the General Assembly of the State approved an act to authorize municipal courts for certain cities.⁵⁸ It also provided for the adoption of such court at any general, State, municipal, or special election. The law also defined the jurisdiction of such courts and specified the procedure for their establishment. Upon the establishment of a municipal court, the offices of justice of the peace, constable, and police judge were abolished.

Since the establishment of the municipal court there have been no further additions to the city courts of Iowa. In 1923, however, a statute was adopted making possible the adoption of a conciliation feature in both the municipal and superior courts. While this does not establish a new court it may develop into something that will approximate a small claims court, acting more or less independently of the municipal or superior court.⁵⁹ In Des Moines, the only

⁵⁸ *Laws of Iowa*, 1915, Ch. 106. For an account of the municipal court, see *Applied History*, Vol. VI, pp. 202-217.

⁵⁹ *Laws of Iowa*, 1923, Ch. 265.

city to date which has adopted this plan, it still remains an adjunct of the municipal court. This court is making great strides and its success may inspire other towns to emulate Des Moines in this matter. The new court is assuredly making a distinct place for itself in settling the small claims that arise in the larger city. Where the size of the town justifies the adoption of this court as a more or less independent branch of the municipal or superior court, there seems no good reason why it should not be adopted.

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SOME PUBLICATIONS

The Religious Aspects of Swedish Immigration. By George M. Stephenson. Minneapolis: The University of Minnesota Press. 1932. Pp. 542. Plates. This volume is much wider in scope than the title might indicate. Community life, the development of educational institutions, the process of assimilation, journalism, cultural strivings, distribution of settlements, politics, the immigrant pastor, the proselyting of rival churches, nationalistic traits, and other factors that influenced Swedish immigration and religious polity are considered. The emphasis, however, is on the influence of religious movements on Swedish immigration and the religious development of the Swedish-Americans and their descendants.

The book marks the first attempt to do for the Swedish element in our history what has been done so adequately for the English Puritan element. Iowans of Swedish descent will be particularly interested in the parts relating to their own State.

Patriot Red Men in the American Revolution, an address by Arthur C. Parker, is printed in the *Proceedings of the Wyoming Commemorative Association* for 1931.

The North Carolina Historical Commission has recently published the *Public Papers and Letters of Angus Wilton McLean*, edited by David Leroy Corbitt.

A Study of the Delaware Indian Big House Ceremony, by Frank G. Speck, has been published in two volumes by the Pennsylvania Historical Commission.

The History of the Archdiocese of St. Louis, by Honor Walsh, is an article containing some background of Iowa history, which appears in the *Records of the American Catholic Historical Society of Philadelphia* for September, 1931.

Virginian Agricultural Decline to 1860: A Fallacy, by Kathleen Bruce; *Large-Scale Farming in Illinois, 1850 to 1870*, by Paul Wallace Gates; *Early Bonanza Farming in the Red River Valley of the North*, by Harold E. Briggs; and *An Annotated Bibliography on the Materials, the Scope, and the Significance of American Agricultural History*, by Everett E. Edwards, are the four articles in *Agricultural History* for March.

Everyman His Own Historian, by Carl Becker; *The Expedition of Baron de Pointis against Cartagena*, by William Thomas Morgan; and *Learned Societies in Europe and America in the Eighteenth Century*, by Bernard Fay, are the three articles in *The American Historical Review* for January. Under *Notes and Suggestions* Isabel M. Calder contributes *The Authorship of a Discourse About Civil Government in a New Plantation Whose Design is Religion*; R. A. Humphreys, *Lord Shelburne and a Projected Recall of Colonial Governors in 1767*; and William Miller, *Recent Publications on Medieval and Modern Greek History, 1928-1931*. *The Closing of the Port of New Orleans*, contributed by E. Wilson Lyon; and *President Hayes's Notes of Four Cabinet Meetings*, contributed by George Frederick Howe, appear under the heading *Documents*.

WESTERN AMERICANA

The West Virginia Review for January contains an article on *Henry Clay Dean — Inconsistent Rebel*, by Boyd B. Stutler.

George Washington's Journey Down the Ohio River in 1770, by C. B. Galbreath, is one of the contributions in *Museum Echoes* for February, 1932.

Dental Health Education — With Particular Reference to the Iowa Plan, by W. E. Moxley, is one of the articles in *The Commonwealth Review* (University of Oregon) for January.

The Great Lottery, by A. Emma Estill; *The Choctaw Academy*, by Carolyn Thomas Foreman; and a continuation of *The Opening of the Cherokee Outlet*, by Joe B. Milam, are three articles in the *Chronicles of Oklahoma* for December, 1931.

In the Days of Old Nauvoo, by Inez S. Davis, is one of the articles in the January number of *Vision*. Installments of the letters of Joseph Smith to his daughter, Ardentia, appear in the January, February, and March issues.

Colonel Robert Johnson, A Pioneer Leader in Education and Religion, by Leland Winfield Meyer; and a continuation of *Imported Cattle in Kentucky — Diary of Charles T. Garrard*, are two articles in *The Register of the Kentucky State Historical Society* for January.

The January issue of the *New Mexico Historical Review* contains the following articles: *F. X. Aubry: Santa Fé Freighter, Pathfinder and Explorer*, by Walker D. Wyman; *Problems in the Early Ecclesiastical History of New Mexico*, by France Scholes; and *Wills and Hijuelas*, by Louis H. Warner.

The Oregon Historical Quarterly for March includes the following articles: *Abbot Railroad Surveys, 1855*, by Robert W. Sawyer; *Pioneer Gold Money, 1849*, by Leslie M. Scott; *Columbia River Exploration, 1792*, by J. Neilson Barry; *Sale of Astoria, 1813*, by T. C. Elliott; and *Edward R. S. Canby, Modoc War, 1873*, by J. F. Santee.

George Washington and Colorado; Furs and Forts of the Rocky Mountain West, by Arthur J. Fynn; *The Capture of the Espinosas*, by Thomas T. Tobin; *Mountain Staging in Colorado*, by Albert B. Sanford; and *Otto Mears, "Pathfinder of the San Juan"*, by LeRoy R. Hafen, are some of the articles in the March number of *The Colorado Magazine*.

The Religious Background of the Lincoln Family, by Louis A. Warren; *Edward Dorsey Hobbs, 1810-1888, A Kentucky Gentleman*, by Marion Castner Browder; and *Fincastle County, Virginia, and Old Kentucky*, by Otto A. Rothert, are three of the articles in *The Filson Club History Quarterly* for January.

The Shawneetown-to-Cairo Mission Trail, by Frederic Beuckman; *The Birthplace of Father Marquette*, by Robert Knight and Lucius H. Zeuch; and *The First Catholic Missions in Nebraska*,

letters written by the Reverend Jeremiah F. Treacy, are three of the contributions to *Mid-America* for January.

The Marquis Duquesne, Sieur de Menneville, Founder of the City of Pittsburgh, by Charles W. Dahlinger; *Dedication of the Historical Building in Pittsburgh*; and *A Program for Research in Western Pennsylvania History*, by Solon J. Buck, are the three articles and papers in the *Western Pennsylvania Historical Magazine* for February.

The Missouri Historical Review for January contains the following papers and articles: *Some Early Missouri Bankers*, by J. Ray Cable; *The Railroads of Missouri, 1850-1870*, by Paul W. Gates; a continuation of *Selections from the Autobiography of Governor T. T. Crittenden*; part four of *Joseph B. McCullagh*, by Walter B. Stevens; and a fifth installment of *Joseph Pulitzer*, by George S. Johns.

The Kansas State Historical Society has recently published its *Twenty-seventh Biennial Report* for 1928-1930. In addition to reports, the volume contains a number of short addresses, among which are the *Religion of the Indians, Especially of the Kansa or Kaws*, by George P. Morehouse; *The Marmaton Massacre*, by C. E. Cory; and *In Appreciation of William Elsey Connelley*, by W. L. Huggins.

Pioneer Printing in Texas, by Douglas C. McMurtrie; *The Problem of Hands on the Spur Ranch*, by W. C. Holden; *A Log of the Texas-California Cattle Trail*, by James G. Bell, edited by J. Evetts Haley; and a continuation of the *Diary of Adolphus Sterne*, edited by Harriet Smither, are the four papers in the January number of the *Southwestern Historical Quarterly*.

Research in State History: Its Problems and Opportunities, by Asa Earl Martin; *Claude Meeker, Journalist-Diplomat-Gentleman*, by Lowry F. Sater; *George Will and George Will, Jr.*, by Grace Reah Johnson; and *Along the Pathway of a Great State*, by A. D. Hosterman, are addresses and articles in the *Ohio Archaeological and Historical Quarterly* for October, 1931.

Our Dynamic Society, by A. L. Burt; *Early Minnesota Railroads and the Quest for Settlers*, by Harold F. Peterson; and *The Local Historian and the Newspaper*, by Carl L. Weicht, are the three articles in *Minnesota History* for March. There is also a report of the Minnesota Historical Society in 1931, by Theodore C. Blegen.

Winter Losses of Cattle in the Oregon Country, 1874-1890, by J. Orin Oliphant; *David Thompson's Journeys in the Pend Oreille Country*, by T. C. Elliott; *Spaniards in Early Oregon*, by J. Neilson Barry, and a document, *Narrative of James Longmire, A Pioneer of 1853*, are some of the articles and papers in *The Washington Historical Quarterly* for January.

American Influence upon the Movement for Mexican Independence, by Lillian E. Fisher; *The Freedom of the Press in the Upper South*, by Clement Eaton; *The Election of 1864*, by Harold M. Dudley; *The Silver Republicans in the Election of 1896*, by Elmer Ellis; *The Motivation of the Wilmot Proviso*, by Richard R. Stenberg; and *Fort Panmure, 1779*, translated by Anna Lewis, are the articles and papers in *The Mississippi Valley Historical Review* for March.

The Senatorial Career of The Hon. Felix Grundy, by Frances Ewing; *Governor Robert L. Taylor and the Blair Educational Bill in Tennessee*, by Dan M. Robison; *Hazard's Proposed Colony in the Tennessee Country—1755*, by Sam'l. C. Williams; *Andrew Jackson and the Greasy Cove Race Track*, by Mrs. Rosalie B. Brown; and *Some Reminiscences of an Old Lawyer*, by W. R. Chambers, are the contributions in the *Tennessee Historical Magazine* for October, 1931.

The March number of *The Wisconsin Magazine of History* contains the following papers: *A Distinguished Son of Wisconsin; Thomas C. Chamberlin*, by George L. Collie; *Disintegrating Forces in Wisconsin Politics of the Early Seventies*, by Herman J. Deutsch; a continuation of *Memoirs of Mary D. Bradford*; and *Frederick George Jacob Lueders, Naturalist and Philosopher*, by Clara T. Runge. Under the heading, *Documents*, there is a collection of Norwegian immigrant letters.

The February number of *The Kansas Historical Quarterly* contains the following papers and articles: *The Pratt Collection of Manuscripts*, by Esther Clark Hill; *Some Background of Early Baptist Missions in Kansas*, by Esther Clark Hill; *Surveying the Southern Boundary Line of Kansas*, by Nyle H. Miller; *Defense of the Kansas Frontier, 1864-1865*, by Marvin H. Garfield; *No-ko-ah's Talk: A Kickapoo Chief's Account of a Tribal Journey from Kansas to Mexico and Return in the Sixties*, edited by George A. Root; and *Notes on the Literature of Populism*, by James C. Malin.

The January issue of *The Louisiana Historical Quarterly* contains the following papers: *Willing's Expedition Down the Mississippi, 1778*, by John Caughey; *French Incertitude in 1718 as to a Site for New Orleans*, translated by Sally Dart; the first installment of *A History of Concordia Parish, Louisiana*, by Robert Dabney Calhoun, a continuation of *Ship Lists of Passengers Leaving France for Louisiana, 1718-1724*, translated by Albert Laplace Dart; part four of *Dufour's Local Sketches, 1847*, translated under the supervision of R. W. Colomb; and *Louisiana in the Disputed Election of 1876*, part three, by Fanny Z. Lovell Bone.

The Pacific Historical Review, issued quarterly by The Pacific Coast Branch of the American Historical Association, is a new-comer among historical publications. The first number, which appeared in March, 1932, contained the following articles: *Manifest Destiny and the Pacific*, by Dan E. Clark; *Early Sino-Japanese Diplomatic Relations*, by Payson J. Treat; *California, Japan, and the Alien Land Legislation of 1913*, by Thomas A. Bailey; *Australasia in Conference, 1883-1887*, by W. Ross Livingston; *From Pierre's Hole to Monterey: A Chapter in the Adventures of George Nidever*, by William Henry Ellison; and a document, *Bernard Romans and the Pacific, 1773*, by John C. Parish.

Finding Indiana in Europe, by Anton Scherrer; *Some Early Indiana Newspapers*, by Mrs. Harvey Morris; *Samuel J. Tilden in the Civil War*, by Charles B. Murphy; *The Lincoln Memorial Highway: Some of its Possibilities*, by Paul M. Angle; *Beginnings of the Baptist Church in Indiana: A Segment of the Social His-*

tory of the Early West, by John F. Cady; *Colors of the Illinois Campaign under George Rogers Clark*, by R. C. Ballard Thruston; *The George Washington Bicentennial in Indiana*, by Miller Hamilton; and *The Pioneer Spirit*, by Claude G. Bowers, are papers and addresses printed in the *Indiana History Bulletin* for February. These were delivered at the annual meeting of the Indiana Historical Society at Indianapolis, on December 11-12, 1931.

Calumet and Hecla Copper Mines: An Episode in the Economic Development of Michigan, by Anthony S. Wax; *Elk in Michigan*, by Wm. B. Mershon; *How the Edison Phonograph Came to Michigan*, by Hugo Erichsen; and *A Late Official Report on the French Posts in the Northern Part of North America*, by William Renwick Riddell, are the articles and papers in the winter number of the *Michigan History Magazine*. *A Notable Memorial Address*, by President Herbert Hoover; *George Washington Looks Westward*, by George B. Catlin; *The Burr "Conspiracy" and the Old Northwest*, by Willis F. Dunbar; *Henry Whiting*, by William L. Jenks; *About the Evergreen Island of Saint Helena*, by Frances Margaret Fox; *President Kendall Brooks*, by Mary Clark Barnes; *An Unpublished Episode in Early Michigan History*, by W. H. Sherzer; *Jo Labadie — Poet*, by Lawrence H. Conrad; and *Clinton-Kalamazoo Canal*, by Leo Van Meer, are the contributions in the Spring number.

IOWANA

The Encampment Branch's 85th Year in Iowa, a short article by Paul H. Shader, appears in the February issue of *The Iowa Odd-fellow*.

A short account of early newspapers and editors in Iowa, by W. G. Ray, appears in *The Iowa Publisher*, for February and March, 1932.

Dr. J. F. Hinkhouse of Independence is the author of a book on the history of the Presbyterian Church in Iowa, entitled *A Hundred Years of Presbyterian History*. It is published under the direction of the Presbyterian Synod of Iowa.

Pioneer Life in Iowa, by Ruth A. Gallaher; *The Mormons Trek Across Iowa*, by Donald R. Murphy; and *Iowa in the Civil War*, by W. L. Wallace, are three articles in the series relating to Iowa history which appear in the January, February, and March numbers of *Midland Schools*.

Part one of *Commentary on the Iowa Workmen's Compensation Act*, by Maurice H. Merrill, is one of the articles in the January number of the *Iowa Law Review*. *The Antecedent Debt and the Sale or Mortgage of Personalty*, by Andrew J. Kolyn, is another article dealing with Iowa which appears in this issue.

The Annals of Iowa for January contains the following articles and papers: *Early Emigration through and to Council Bluffs*, by Nathan P. Dodge; *Buffalo Wallows and Trails in Black Hawk County*, by Ellis E. Wilson; *Bloomfield's Military Company in 1898*; *Delia Webster*, by Barthinius L. Wick; and an *Index to Abandoned Towns of Iowa*, by David C. Mott.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aldrich, Bess Streeter,

Day of Retaliation (Ladies' Home Journal, February, 1932).

Barnes, M. E.,

Immunity to Disease (Iowa Public Health Bulletin, January-February-March, 1932).

Becker, Carl Lotus,

Everyman His Own Historian (The American Historical Review, January, 1932).

Beer, Thomas,

Erasmus Vincey's Left Foot (The Saturday Evening Post, February 6, 1932).

Bolton, Frederick Elmer,

Adolescent Education. New York: The Macmillan Company. 1931.

Is the County Unit Necessary for Effective Rural School Development? (School and Society, February 20, 1932).

Bradbury, Dorothy E., (Joint author)

Speech Sounds of Young Children (University of Iowa Studies in Child Welfare, Vol. V, No. 2). Iowa City: State University of Iowa. 1931.

Brill, Alice C., (Joint author)

Your Child and His Parents. New York: D. Appleton and Company. 1931.

Brueckner, Leo John,

Nature of Problem Solving (Journal of the National Education Association, January, 1932).

Organization of Practise (Journal of the National Education Association, March, 1932).

Some Major Themes Underlying Instructions (Journal of the National Education Association, February, 1932).

Butler, Ellis Parker,

Room and Board (Pictorial Review, March, 1932).

Carr, Ossian E.,

Should City Managers Defend Themselves Against Attacks? (City Manager Yearbook, 1932).

Carver, Thomas Nixon, (Joint author)

Our Economic Life. Philadelphia: John C. Winston Co. 1932.

Case, Clarence Marsh,

Social Process and Human Progress. New York: Harcourt, Brace and Company. 1931.

Case, Ida Mae, (Joint author)

Speech Sounds of Young Children (University of Iowa Studies in Child Welfare, Vol. V, No. 2). Iowa City: State University of Iowa. 1931.

Chaffee, Grace E.,

For Less Than Nine Thousand Dollars (House Beautiful, February, 1932).

Clark, Dan E.,

Manifest Destiny and the Pacific (The Pacific Historical Review, March, 1932).

Cook, Mrs. Elizabeth,

Don't Be Yourself, Not All of the Time (The Delineator, February, 1932).

Most Wonderful Moment (The Delineator, March, 1932).

Cook, Mrs. Elizabeth, (Joint author)

Should Children Obey? (Ladies' Home Journal, February, 1932).

Cook, Walter Wellman,

The Measurement of General Spelling Ability Involving Controlled Comparisons Between Techniques (University of Iowa Studies in Education). Iowa City: State University of Iowa. 1932.

Crowell, Grace Noll,

Catalogue (poem) (Good Housekeeping, February, 1932).

Evening Meal (poem) (Good Housekeeping, March, 1932).

Darling, J. N.,

Ding Goes to Russia. New York: McGraw-Hill Book Company. 1931.

Douglas, C. E.,

Problem of Church Patronage (Nineteenth Century and After, February, 1932).

Duerr, William A.,

Whither Education at Iowa State (The Alumnus of Iowa State College, March, 1932).

Engle, Paul,

Futile Defiance (The Palimpsest, February, 1932).

Fellows, John Ernest,

The Influence of Theme-Reading and Theme-Correction on Eliminating Technical Errors in the Written Compositions

of Ninth Grade Pupils (University of Iowa Studies in Education, Vol. VII, No. 1). Iowa City: State University of Iowa. 1932.

Gabrielson, Ira Noel,

Flowering Plants (American Home, February, 1932).

Gallaher, Ruth Augusta,

An Adventure in Faith (The Palimpsest, March, 1932).

Pioneer Life in Iowa (Midland Schools, January, 1932).

Gard, Wayne,

Alfalfa Bill (The New Republic, February 17, 1932).

Gode, Marguerite,

Children's Pleasure Chest (Better Homes and Gardens, January, February, March, 1932).

Greene, Guy Shepard,

Drummond's Borrowing from Donne (Philological Quarterly, January, 1932).

Hackett, Alice Payne,

Shorter Lists and Less Ballyhoo (Publishers' Weekly, February 6, 1932).

Hall, W. Earl,

Was Britt's Convention of Hoboes Real? Or Merely a Clever Newspaper Hoax? (The Iowa Publisher, March, 1932).

Hegner, Robert William,

How the Other Half Live (Science, February 26, 1932).

Henderson, Rose,

Light (poem) (Hygeia, February, 1932).

Horack, Frank E.,

Should Iowa Establish a Court of Claims? (Iowa State Bar Association Quarterly, December, 1931).

House, Ralph E., (Joint author)

The Essentials of Spanish Grammar. Boston: Ginn and Company. 1932.

Hueston, Ethel Powelson, (Mrs. E. J. Best)

Good Times. Indianapolis: Bobbs-Merrill Company. 1932.

Hunt, C. C.,

The Washington Monument (Bulletin of the Grand Lodge of Iowa, A. F. & A. M., March, 1932).

Keeney, Charles C.,

A Prospect of Fort Dodge (The Palimpsest, March, 1932).

Kolyn, Andrew J.,

The Antecedent Debt and the Sale or Mortgage of Personalty (Iowa Law Review, January, 1932).

Kroll, Harry Harrison,

Cabin in the Cotton. New York: R. R. Smith. 1931.

Laidler, Harry Wellington,

The Road Ahead; A Primer of Capitalism. New York: Thomas Y. Crowell Co. 1932.

Livingston, W. Ross,

Australasia in Conference 1883-1887 (The Pacific Historical Review, March, 1932).

McClure, Mrs. Marjorie Barkley,

John Dean's Journey. New York: Minton, Balch & Co. 1932.

McElroy, Margaret,

Black and White Decoration Reflects the New Tempo (House and Garden, February, 1932).

McNeely, J. K.,

The Location and Elimination of Radio Interference (Iowa Engineering Experiment Station Bulletin, No. 105). Ames: Iowa State College. 1931.

Mapes, Erwin Kempton, (Joint author)

The Essentials of Spanish Grammar. Boston: Ginn and Company. 1932.

Meigs, Cornelia,

First Frontier (St. Nicholas, February, 1932).

Horses for the King (St. Nicholas, March, 1932).

Mengert, Ida Gaarder, (Joint author)

Speech Sounds of Young Children (University of Iowa Studies in Child Welfare, Vol. V, No. 2). Iowa City: State University of Iowa. 1931.

Merriam, Charles Edward,

Making of Citizens; A Comparative Study of Methods of Civic Training (Studies in the Making of Citizens). Chicago: University of Chicago Press. 1931.

Metropolitan Areas and What Ought to Be Done With Them and By Them (City Manager Yearbook, 1932).

Millikan, Robert Andrews,

Edison as a Scientist (Science, January 15, 1932).

Minard, Ralph D.,

Race Attitudes of Iowa Children (University of Iowa Studies in Character, Vol. IV, No. 2). Iowa City: State University of Iowa. 1931.

Murphy, Donald R.,

The Mormons Trek Across Iowa (Midland Schools, February, 1932).

Revolt in the Corn Belt (The New Republic, January 27, 1932).

Neidig, William Jonathan,

Seventh Deaf Man (The Saturday Evening Post, March 5, 1932).

Norton, Roy,

King of the River (Collier's, March 5, 1932).

Olin, H. L.,

The Smoke Nuisance (The Iowa Transit, February, 1932).

Petersen, William J.,

The Terms of Peace (The Palimpsest, February, 1932).

Reed, James A.,

Rape of Temperance. New York: Farrar and Rinehart, Inc. 1931.

- Rice, Merton Stacher,
Diagnosing To-day; Seven Deadly Sins of Modern Life. New
 York: Abingdon Press. 1932.
- Robinson, Edward,
Jean Sibelius (The American Mercury, February, 1932).
- Rush, Charles Everett,
Book Buyer Speaks Out (Saturday Review of Literature,
 January 30, 1932).
- Russell, Charles Edward,
Blaine of Maine. New York: Farrar and Rinehart, Inc. 1931.
- Russell, William Fletcher,
Special Course for Critic Teachers (School and Society, Janu-
 ary 2, 1932).
- Sherlock, Chesla Clella,
Forgotten Facts About Washington (Ladies' Home Journal,
 February, 1932).
- Sherman, Stuart Pratt,
Emotional Discovery of America, and Other Essays. New
 York: Farrar and Rinehart, Inc. 1931.
- Shimek, Bohumil,
Miscellaneous Papers (University of Iowa Studies in Natural
 History, Vol. XIV, No. 2). Iowa City: State University of
 Iowa. 1931.
- Shultz, Mrs. Gladys Denny,
Right Start Is So Important (Better Homes and Gardens,
 March, 1932).
- Smith, C. R. F.,
East St. Louis Studies Americanism (The Nation, March 9,
 1932).
- Smith, Fred B.,
Sound of a Yankee Voice (Commonweal, January 13, 1932).

Steelsmith, D. C.,

The Trend of Public Health Administration (Bulletin of Iowa State Institutions, April, 1932).

Stoddard, George Dinsmore,

Some Current Issues in Nursery Education (School and Society, February 27, 1932).

Why Parent Education is Important (Parents Magazine, March, 1932).

Swisher, Jacob A.,

Chief of the Sauks (The Palimpsest, February, 1932).

The Legislation of the Forty-fourth General Assembly of Iowa (The Iowa Journal of History and Politics, January, 1932).

Taylor, Alonzo Englebert,

Corn and Hog Surplus of the Corn Belt. Stanford University, California: Food Research Institute. 1932.

Thomas, Augustus Orluff,

International Understanding Through the Teaching of Geography (Education, January, 1932).

Travis, Lee Edward, (Joint author)

Voltage-Frequency Relationships in Action Currents (Science, February 19, 1932).

Van Dine, Warren L.,

Gift of God (poem) (The Literary Digest, January 9, 1932).

Wallace, W. L.,

Iowa in the Civil War (Midland Schools, March, 1932).

Wallis, Ruth Sawtell,

How Children Grow (University of Iowa Studies in Child Welfare). Iowa City: State University of Iowa. 1931.

Relative Growth of the Extremities from Two to Eighteen Years of Age (American Journal of Physical Anthropology, October-December, 1931).

Walton, Gertrude H.,

Buttonfaces (The Kindergarten-Primary Magazine, March-April, 1932).

Little No-Head's Christmas (The Young Crusader, December, 1931).

Making New Furniture from Old (Christian Herald, January, 1932).

Origin of Highways (The Youth's Evangelist, September 11, 1931).

The Settling Surprise (World Friends, December, 1931).

Wellman, Beth L., (Joint author)

Speech Sounds of Young Children (University of Iowa Studies in Child Welfare, Vol. V, No. 2). Iowa City: State University of Iowa. 1931.

Wentworth, Chester K.,

The Mechanical Composition of Sediments in Graphic Form (University of Iowa Studies in Natural History). Iowa City: State University of Iowa. 1932.

Whicher, George Frisbie,

Folger Shakespeare Library (Theatre Arts Monthly, February, 1932).

Wick, Barthinius L.,

The Pioneer Memorial Association of Norway. Cedar Rapids: Privately printed. 1931.

Wilson, Margaret, (Mrs. G. D. Turner)

One Came Out. New York: Harper and Brothers. 1931.

Wright, D. Sands,

The First Decade (The Palimpsest, January, 1932).

Founding the Normal School (The Palimpsest, January, 1932).

James Cleland Gilchrist (The Palimpsest, January, 1932).

Moses Willard Bartlett (The Palimpsest, January, 1932).

Wyman, Walker D.,

F. X. Aubry: Santa Fé Freighter, Pathfinder and Explorer (New Mexico Historical Review, January, 1932).

Youtz, May Pardee, (Joint author)

Your Child and His Parents. New York: D. Appleton and Company. 1931.

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Historical review of Grundy County, by W. G. Kerr, in the *Grundy Center Register*, November 13, 1931.

Sketch of the life of Mrs. William Larrabee, in the *Fort Dodge Messenger & Chronicle*, December 31, 1931.

Indian relics unearthed in Waubonsie State Park, in the *Hamburg Reporter*, December 31, 1931, and the *Burlington Hawkeye*, January 3, 1932.

Sketch of the life of Thomas A. Chesire, in the *Grinnell Herald*, January 1, 1932.

Claude R. Porter appointed chairman of Interstate Commerce Commission, in the *Ottumwa Courier*, January 2, 1932.

Calliope and Orange City fought for county seat, in the *Sioux City Journal*, January 2, 1932.

Kenneth R. Cook resigns post as district judge, in the *Council Bluffs Nonpareil*, January 2, 1932.

Iowa Hall of Fame, by J. C. Harvey, in the *Centerville Iowegian*, January 2, 1932.

Early days at Rickardsville, in the *Burlington Hawkeye*, January 3, 1932.

Gene Boudinot declares hobo convention was no hoax, in the *Mason City Globe-Gazette*, January 4, 1932.

Powder blast at Oskaloosa in 1882, in the *Oskaloosa Herald*, January 5, 1932.

Administrative council of Iowa G. A. R., in the *Marshalltown Times-Republican*, January 5, 1932.

Blizzard of 1888 took many lives, by George H. Wessel, in the *Dows Reporter*, January 7, 1932.

Sketch of the life of Judge A. Ray Maxwell, in the *Adams County (Corning) Free Press*, January 7, 1932.

Many abandoned towns in Iowa, in the *Daily Catholic Tribune* (Dubuque), January 8, the *Mason City Globe-Gazette*, January 8, and the *Whittemore Champion*, January 13, 1932.

Blizzards caused many hardships, by Arthur Pickford, in the *Mason City Globe-Gazette*, January 9, 1932.

Maquoketa built courthouse in 90 days, in the *Cedar Rapids Gazette*, January 10, 1932.

Sketch of the life of Dr. Donald A. Macrae, in the *Des Moines Tribune*, January 11, and the *Council Bluffs Nonpareil*, January 12, 1932.

Mr. and Mrs. Jack Bormann married 63 years, in the *Cedar Rapids Gazette*, January 13, 1932.

The Estherville meteor, by Charles E. White, in the *Spirit Lake Beacon*, January 14, 1932.

W. R. Van der Veer was Poweshiek County pioneer, by W. G. Ray, in the *Grinnell Herald*, January 14, 1932.

Mrs. H. Wormhoudt was pioneer of Pella, in the *Pella Chronicle*, January 14, 1932.

Eldora men suffered in Alaska snow storm, in the *Eldora Herald-Ledger*, January 14, 1932.

Loveland once Primitive Baptist center, in the *Missouri Valley Times*, January 16, 1932.

First homes in Fort Madison, by W. A. Scherfe, in the *Fort Madison Democrat*, January 19, 1932.

Early days in Lake Mills, by L. A. Jensen, in the *Lake Mills Graphic*, January 20, 1932.

Deed shows Fort Madison once in Des Moines County, in the *Burlington Gazette*, January 20, 1932.

Historical sketch of the Donnellson Presbyterian Church, 1872-1932, in the *Donnellson Review*, January 21, 1932.

J. C. Lorton has old manuscripts about southeastern Iowa, in the *Bloomfield Democrat*, January 21, 1932.

Early days at Pella, in the *Pella Chronicle*, January 21, 1932.

German pioneers wielded broad ax in Bremer County, in the *Sumner Gazette*, January 21, 1932.

Historic letters unearthed in Crawford County courthouse, in the *Manilla Times*, January 21, 1932.

History of Fairfield Baptist Church dates back to 1840, in the *Fairfield Ledger*, January 21, 22, 1932.

Eagle City was once flourishing town, in the *Iowa Falls Citizen*, January 22, 1932.

Mrs. Adam Mann has Methodist Hymnal printed in 1832, in the *Cedar Rapids Gazette*, January 24, 1932.

Sketch of the life of Samuel B. Turner, in the *Davenport Times*, January 25, 1932.

Seymour residents have many antiques, in the *Centerville Iowegian*, January 26, 1932.

J. J. Hill helped organize Edgewood Congregational Church in 1848, in the *Manchester Democrat Radio*, January 26, 1932.

Mrs. Grace Wood and Fred Messerknecht were Earlville pioneers, in the *Hopkinton Leader*, January 28, 1932.

A. D. French is Mills County pioneer, in the *Malvern Leader*, January 28, 1932.

Samuel C. Rogers was pioneer of Harrison County, in the *Logan Observer*, January 28, 1932.

Iowa Falls was rival of Eldora for county seat, in the *Eldora Herald-Ledger*, January 28, 1932.

Early days in Delaware County, in the *Manchester Press*, January 28, 1932.

"Old Jerky" makes last run between Mt. Pleasant and Keokuk, in

the *Keokuk Gate City*, January 28, and the *Burlington Gazette*, January 30, 1932.

Ghost towns of Jackson County, in the *Clinton Herald*, January 28, 1932.

Lawrence aspired to be great city, in the *Farmington News-Republican*, January 28, 1932.

G. W. Rhine recalls hard times in early Iowa, in the *Creston News Advertiser*, January 28, 1932.

Sketch of the life of Thomas A. Cheshire, by J. B. Hungerford, in the *Montezuma Republican*, January 28, 1932.

Modern bus lines recall stagecoach days, in the *Postville Herald*, January 28, 1932.

J. W. Conrad recalls narrow gauge railroad, in the *Tama News-Herald*, January 29, 1932.

A. Vander Meide came to Sioux County in 1870, in the *Sioux City Tribune*, January 30, 1932.

Log cabin near Lowden built in 1837, in the *Cedar Rapids Gazette*, January 31, 1932.

Mrs. Eliza Robey, pioneer, made journey to California, in the *Marshalltown Times-Republican*, February 4, 1932.

Many antiques displayed at Lost Nation, in the *Clinton Herald*, February 4, 1932.

Sketch of the life of Daniel W. Hixson, soldier and legislator, in the *Wayland News*, February 4, 1932.

Willie A. May was a descendant of a Pilgrim, in the *Sioux City Journal*, February 4, 1932.

Winfield press reveals pioneer life, in the *Winfield Beacon*, February 4, 1932.

Beginnings of settlement at Pugh and Chipman hollows, in the *Clayton County (Strawberry Point) Press-Journal*, February 4, 1932.

W. E. Martner tells of school on Yellow River, in the *Monona Leader*, February 4, 1932.

Matt M. Joyce, former Iowan, appointed federal judge in Minnesota, in the *Emmetsburg Democrat*, February 4, and the *Fort Dodge Messenger & Chronicle*, February 6, 1932.

Hanlontown was "boom" city of Worth County, in the *Mason City Globe-Gazette*, February 6, 1932.

Religion took early foothold in Iowa, in the *Fort Madison Democrat*, February 6, 1932.

History of the First Baptist Church of Clinton, in the *Clinton Herald*, February 8, 1932.

Public land sales were interesting events, in the *Fort Madison Democrat*, February 9, 1932.

George F. Magoun described founding of Grinnell, in the *Grinnell Herald*, February 9, 1932.

Brotherhood of American Yeomen established at Bancroft in 1897, in the *Upper Des Moines (Algona) Republican*, February 10, 1932.

Franklin H. Whitney, founder of Atlantic, born in 1832, in the *Atlantic News-Telegraph*, February 10, 1932.

Alfred Jones laid out and surveyed Adel, Des Moines and Winterset, in the *Winterset News*, February 11, 1932.

Roy H. Wilkinson has map of Iowa dated 1869, in the *Storm Lake Pilot-Tribune*, February 11, 1932.

Sketch of the life of Judson H. Fugard, in the *Newton News*, February 12, and the *Fairfield Ledger*, February 19, 1932.

Sketch of the life of Benjamin F. Beitel, in the *Washington Journal*, February 12, 1932.

Sketch of the life of James H. Jamison, in the *Des Moines Register*, February 12, 1932.

Colonel Sanford Kirkpatrick killed in Greensboro, N. C., in the *Des Moines Register*, February 14, 1932.

Judge A. B. Thornell served Iowans many years, in the *Des Moines Register*, February 15, and the *Clarinda Journal*, February 18, 1932.

Ed Paulson portrays history of Carroll County with brush, in the *Carroll Times*, February 17, 1932.

Erection of Fort Madison begun in 1808, in the *Fort Madison Democrat*, February 17, 1932.

Clarion received name from Pennsylvania town and river, in the *Wright County (Clarion) Monitor*, February 17, 1932.

Senator Albert M. Fellows was prominent Lansing man, in the *Waukon Republican & Standard*, February 17, and the *Allamakee Journal & Lansing Mirror*, February 24, 1932.

Ed Henderson recalls old times in Lake Mills, in the *Lake Mills Graphic*, February 17, 1932.

J. W. Jarnigan, publisher, was strong temperance advocate, by W. G. Ray, in the *Brooklyn Chronicle*, February 18, 1932.

Hardin once prosperous Iowa town, in the *Postville Herald*, February 18, 1932.

Early settlers in Poweshiek County, by W. G. Ray, in the *Grinnell Herald*, February 19, 1932.

Hans Rattenborg, early Iowa railroad promoter, in the *Red Oak Sun*, February 19, 1932.

Sketch of the life of Charles Springer, in the *Burlington Hawkeye*, February 20, 1932.

Deacon Cady drove bootlegger from Rockwell, in the *Mason City Globe-Gazette*, February 20, 1932.

Thomas Reily recalls steamboat days at Sioux City, in the *Sioux City Journal*, February 21, 1932.

HISTORICAL ACTIVITIES

The State Historical Society of Missouri held its annual meeting at Columbia on January 21, 1932. Isaac H. Lionberger was the speaker at the annual banquet, his subject being "The Romance of Trade".

The State Historical Society of Wisconsin has issued as *Bulletin of Information*, No. 98, a list of the manuscripts, books, and portraits of George Washington or about him which are in the Library of the State Historical Society at Madison. The list was compiled by Ruth Pauline Hayward.

The eighty-third annual meeting of the Minnesota Historical Society was held at St. Paul on January 11, 1932. The program included the following papers and addresses: "Nininger — A Boom Town of the Fifties", by Dudley S. Brainard; "Schoolcraft and Lake Itasca", by Edward C. Gale; "Marking Political Progress for Minnesota", by Mrs. F. W. Wittich; "The Year's Progress in Local Historical Work", by Donald E. Van Koughnet; "Local Historians and the Newspaper", by Carl L. Weicht; and "Our Dynamic Society", by Alfred L. Burt.

IOWA

An effort is being made to provide a bronze tablet to mark the site of Amity College, now occupied by a consolidated school building.

Celebrating the National Corn Husking Contest at Grundy Center on November 13, 1931, the *Grundy Center Register* for that date issued a special historical number.

"The Pioneer Memorial Association of Norway" was the subject of an address delivered at Norway, Iowa, by Barthinius L. Wick, on August 9, 1931. It was later printed in pamphlet form.

Mrs. F. C. Colby of Sergeant Bluff, Iowa, read a paper on "Pioneer Women of Sergeant Bluff" at a meeting of the Woodbury County Pioneer Club, held at Sioux City on January 23, 1932.

The Daughters of the American Revolution sponsored an historical exhibit at Davidson's store in Des Moines in connection with the Washington bicentennial anniversary. Various chapters sent representatives and exhibits.

The Howard County Historical Society held its annual meeting at Cresco on January 11, 1932. The following officers were elected: J. H. Howe, president; Mrs. V. C. Hardy, vice president; C. J. Harlan, secretary; and Wm. Kellow, treasurer.

The Iowa Society of the Daughters of the American Revolution is sponsoring the collection of data on Iowa pioneers—those who came to Iowa before the Civil War or just after it. The records received will be bound in books to be called "Pioneers of Iowa".

The Crawford County Historical Society has copies of about two hundred letters written by J. W. Denison to James S. Petteplace, the treasurer of the Providence Western Land Company. Mr. Denison laid out the town of Denison for this company and the letters contain much local history of the pioneer period.

The annual meeting of the Madison County Historical Society was held at Winterset on March 1, 1932. R. L. Eaton gave a talk on "Early Iowa Events"; H. A. Mueller read an account of the life of A. B. Garretson; and E. R. Zeller gave a paper entitled, "An Appreciation of Dr. G. W. Carver". The following officers were reelected: Herman A. Mueller, president; W. S. Cooper, vice president; E. R. Zeller, secretary; and Mrs. John McNamara, treasurer.

THE STATE HISTORICAL SOCIETY OF IOWA

To meet the demands for references on Iowa history, the State Historical Society of Iowa is now publishing a list of topics and references under the title *Two Hundred Topics in Iowa History*. While no attempt has been made to cover the entire field of Iowa

history or to give an exhaustive bibliography, this list of two hundred topics, averaging some nine references for each, is intended to give the student of Iowa history a general knowledge of the field and references to the more available and accessible publications on various topics.

The general theme for Iowa History Week for 1932 — April 18-23 — is the story of the Indian chief Black Hawk and the Treaty of 1832 by which eastern Iowa was ceded to the United States government. As an aid in the observance of this anniversary, the State Historical Society of Iowa devoted the February issue of *The Palimpsest* to Black Hawk, the Black Hawk War, and the treaty. The Society has also reprinted the *Autobiography of Black Hawk*. This was dictated by Black Hawk, himself, turned into English by Antoine Le Claire, and written down and published by J. B. Patterson. There have been a number of editions of this unique autobiography. The one reprinted was published in 1834.

The following persons have recently been elected to membership in the Society: Mr. E. A. Behrens, Fort Madison, Iowa; Mr. Carl Hendrickson, Cedar Rapids, Iowa; Miss Elizabeth Kirkpatrick, Lone Tree, Iowa; Mr. Irwin T. Bode, Des Moines, Iowa; and Mr. Hubert L. Moeller, Cedar Falls, Iowa.

NOTES AND COMMENT

The First Baptist Church at Burlington celebrated its seventy-fifth anniversary on February 7, 1932.

John Scholte Nollen was inaugurated as the fifth President of Grinnell College on February 11, 1932. The title of President Nollen's address was "The Function of the College".

Mrs. Annie Fellows Johnston, author of the *Little Colonel Series* and other popular juvenile stories, died at her home in Pewee Valley, Kentucky, on October 5, 1931. She was at one time a student at the State University of Iowa.

Dr. Charles R. Keyes, who has for several years been engaged in making an archaeological survey of Iowa for the State Historical Society of Iowa, believes that some of the remaining mounds should be preserved in a public park. Some of the best of the ancient mounds are located on the bluffs along the Mississippi River near McGregor and it is suggested by the Northeastern Iowa Park Association that a national park which should include some of these mounds be established along the Upper Mississippi.

The Iowa Society of the Daughters of the American Revolution have recently dedicated a State forest called the George Washington Memorial Forest. The dedicatory service took place on February 17, 1932, at Lake View. Miss Louise Nebe gave "The Story of the Forest", as proxy for her mother, Mrs. F. M. Nebe. Professor G. B. McDonald gave an address on the importance of forests and Professor John R. Fitzsimmons also gave an address. Mrs. James E. FitzGerald gave the dedicatory address.

CONTRIBUTORS

WILLIAM J. PETERSEN, Research Associate in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS, January, 1930, p. 173, and October, 1930, p. 642.)

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PETER LAWRENCE SCANLAN. Born at Mt. Hope, Wisconsin, in 1862. Attended the University of Wisconsin and received the M. D. degree from Rush Medical College in 1891. Has been engaged in the practice of medicine at Lancaster and Prairie du Chien, Wisconsin. His interest in local history began about 1923. Since then he has written a number of newspaper articles and one on *Pioneer Priests of Prairie du Chien*, published in the *Wisconsin Magazine of History* in 1929.

MARIAN SCANLAN, a daughter of Mr. Peter L. Scanlan, is a public school teacher in Milwaukee, Wisconsin. Graduated from the University of Wisconsin and received the M. A. degree from Marquette University. Author of a feature article dealing with Basil Giard and the new aerial bridge, published in the *Milwaukee Journal*, December 13, 1931.

FRANCIS R. AUMANN, Instructor in Political Science at Ohio State University. Born at Delaware, Ohio, on January 21, 1901. Received B. A. degree from Ohio Wesleyan University in 1921, the M. A. degree from Ohio State University in 1925, and the Ph. D. degree from the State University of Iowa in 1928. Studied law at Western Reserve University and the Ohio State University. Has had articles published in *The American Political Science Review*, *The American Law Review*, the *Cincinnati Law Review*, the *Iowa Law Review*, the *Kentucky Law Journal*, the *Journal of the American Judicature Society*, the *Journal of Criminal Law and Criminology*, the *National Municipal Review*, the *Ohio Archaeological and Historical Journal*, the *Ohio Social Science Journal*, and *The Palimpsest*.

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IOWA AND THE CALIFORNIA GOLD RUSH OF 1849

The editor of the Dubuque *Miners' Express*, preparing copy for the November 14, 1848, issue of the paper, felt moved to write an editorial concerning the recent reports of the gold discoveries in California. In the exchanges before him he had found what he considered to be a complete refutation of the extravagant rumors which for several weeks had caused such tremendous excitement in the East. "A specimen of this substance", he wrote, referring to the alleged gold ore of California, "has lately been submitted to an analysis by Doctor Kent, of New York, the result of which gives a very satisfactory explanation and explosion of the whole matter.

"It is found to consist of Arsenite of copper, combined with Nickle and Zinc, and a small portion of Iron pyrites. Not a particle of Gold is found in it."

The skepticism of the Dubuque editor with regard to the gold stories seems to have been shared by Iowa editors generally.¹ All through November and much of December, 1848, most of them remained discreetly silent, reprinting occasional California items, but choosing for the most part, only such as were non-inflammatory in nature. On the basis of tales so incredulously extravagant they did not intend, apparently, to succumb to the popular excitement

¹ Twenty newspapers were published in Iowa in 1848; twenty-three in 1849. (See unpublished survey by D. C. Mott, Historical Department, Des Moines.) Of these, only ten files were available to the writer, complete or in part, the complete files consisting of the *Burlington Hawk-Eye*, *The Davenport Gazette*, and *The Miners' Express* (Dubuque). There can be little doubt, however, that the attitude of caution and silent skepticism discoverable in most of the existing files was representative of Iowa editorial attitude generally.

in the East, and sow the seeds of discontent at home by reprinting such stories.

The silence of the local editors, however, by no means isolated the Iowans from the exciting news of the gold coast. Metropolitan newspapers from the East and South, carrying extensive and lurid accounts of the gold discoveries, came to many citizens of the State, who undoubtedly passed them on for others to read when they had finished with them. Up the Mississippi and overland, itinerants journeyed about with ready stocks of California stories, while through the mail came letters from relatives and friends, repeating the rumors and reflecting the general unrest. By the fourth week in December, 1848, the California excitement had grown to such proportions in Iowa that many were ready to join the rush the moment they were assured the reports were measurably credible.

That week, with a timeliness almost dramatic, President James K. Polk's message to Congress appeared in many of the Iowa newspapers, confirming not only the reports concerning the discovery of gold in California but also the most extravagant rumors of its abundance. Basing his remarks upon the official report of Colonel R. B. Mason, Military Governor of California, the President said: "The accounts of the abundance of gold in that territory are of such an extraordinary character as would scarce command belief, were they not corroborated by the authentic report of officers in the public service, who have visited the mineral districts and derived the facts which they have detailed from personal observation . . . Labor commands a most exorbitant price, and all other pursuits but that of searching for the precious metals, are abandoned."²

² *The Miners' Express* (Dubuque), December 19, 1848. President Polk's message, read before Congress on December 5, 1848, was first reprinted in the Iowa newspapers about two weeks later. *The Miners' Express* published it in two installments, the second installment appearing on December 26th.

In some of the papers a document no less startling accompanied the President's message. This was Governor Mason's proclamation to the citizens of California, issued at Monterey on July 25, 1848, revealing the fact that soldiers and sailors stationed in California had deserted in great numbers to go to the mines, and that great suffering existed in the towns because men had abandoned their families without making proper provision for their support.³

On the heels of these official reports came further corroborating accounts of the astonishing abundance of gold, in the letters of local people who happened to be in California when the rush first began. Particularly interesting is the following extract of a letter from B. P. Koozer, a loyal but distressed soldier probably in Colonel Mason's command at Monterey, which appeared in the *Miners' Express* early in January, 1849.

It is useless for me to attempt a description of the quantity and quality of the gold already obtained, as you would not believe it. See the newspapers of the day, and depend they cannot overrate the mineral resources of California. Our company has been reduced down to 20 from 172 by desertion. These men have made their fortunes, but have violated their oaths and dishonored their flag by deserting in time of war.

We have just heard the news of peace, and I am on the fence whether I will desert or not, as I can easily make \$150 per day at the mines.

Lead has been discovered, and yields 90 per cent. Mr. Bales, of Galena, Illinois, has opened one of the veins, and thinks it of sufficient richness to keep four furnaces in operation. . . .

One of our men on a three months furlough, brought back to Monterey with him *twenty-seven* [pounds] of *Virgin Gold*. This, at . . . Boston prices, (\$20 per ounce) [amounts to] \$6,480. What do you think of that? I hate to desert—I hate to soldier for six dollars a months—I am almost crazy. Excuse this letter as I have the Gold Fever shocking bad, and “the root of all evil”

³ *The Miners' Express* (Dubuque), December 26, 1848.

is in my mind night and day Do as you please, but I advise you to bundle up your traps and come to California.⁴

The wildest rumors having been thus confirmed, a number of Iowans made preparations for an immediate departure to the gold fields. By January 1, 1849, and perhaps earlier, some had already made the start, and without a thought of the consequences of their precipitate haste hurried down the Mississippi River to New Orleans and thence to the Isthmus. At New Orleans, unfortunately, and in fact along the whole lower river, the cholera had broken out. Fear of the epidemic apparently induced many of these early emigrants to go by way of New York, but the trip thither, in the dead of winter, was long and hard, and added considerably to the expense of the entire journey.⁵ The wise thing seemed to be to wait for an overland trip in the spring.

There was, however, little patience for waiting. Spurred on by the departure of the earliest Iowans and by the hurried preparations of others planning to take the water route just as soon as their affairs could be adjusted, prospective overland emigrants were moved to immediate action. "Ho for California!" rose the shout in Iowa hamlets and towns, and California meetings were held everywhere in order to determine who intended to go.⁶ "Gold is henceforth to flow, not only up the Mississippi", the optimists felt, "but to 'shine through the interstices of the poor man's purse'; it is not 'gold in the clouds or in the

⁴ *The Miners' Express* (Dubuque), January 2, 1849. While Koozer was probably not an Iowan, the proximity of Galena, his reference to lead-mining, and the fact that *The Miners' Express* reprinted his letter in full warrant its inclusion here.

⁵ *The Miners' Express* (Dubuque), January 23, 1849.

⁶ In fact, the earliest recorded California meeting in Iowa took place on December 30, 1848, two days prior to the earliest recorded departures by water. — *The Miners' Express* (Dubuque), January 9, 1849.

sea, or in the centre of a rock-ribbed mountain, but in the soil of California''.⁷ While these preliminary meetings often ended without any definite decision having been reached, and frequently after much vituperation and debate, they nevertheless gave additional momentum to the California movement by revealing how deep and widespread the interest in the emigration had become.

Disturbed by the severity with which the California virus had infected the Iowans, and by the prospect of a disturbingly large emigration when the season opened, many of the local editors sought to moderate the excitement by calling attention not only to the physical dangers attendant upon an adventure of the nature contemplated, but also to the moral dangers. "What will it profit a man", wrote the editor of the *Burlington Hawk-Eye* in answering the question whether or not it were best to go to the gold regions of California, "if he gain the whole world and lose his own soul?"⁸ It was also pointed out that the chance for success in the mines was highly uncertain, since the gold deposits might give out at any time. "We hope and presume, that a little reflection will deter many of those from going who are now talking about it", declared the editor of the *Miners' Express*. "The chances for gaining a fortune in the California mines, are as precarious as in almost any lottery, and the cost of the Ticket, much greater than in any.

"To those who are out of business, and can go without making a sacrifice of property, we would say go, but if you are well fixed in Iowa, and can make a comfortable living where you now are, we would say pause and reflect ere you start."⁹

⁷ *The Davenport Gazette*, January 11, 1849.

⁸ *Burlington Hawk-Eye*, February 8, 1849.

⁹ *The Miners' Express* (Dubuque), February 6, 1849.

Particularly urgent in his effort to stem the California migration was the editor of the Bloomington (now Muscatine) *Herald* who sought to interest Iowans in the possibilities of achieving wealth in their own State. "There is one kind of surface gold mining", the editor pointed out, "which is deservedly growing in great popularity in Iowa and which we cannot too seriously commend to those who may desire to grow rich by working the earth. The gross product, to be sure, has the gloss and jingle said to belong to the productions of the California mines; but our miners never fail in finding the metal, just in proportion to the labor expended, and there is nothing precarious about its value or sale in the markets. Neither is there any difficulty about procuring all the necessities, and most of the luxuries of civilized life, at fair and reasonable rates. This way, then, amateur miners, and do not suffer the poetry of your honorable calling to be destroyed, by town popinjays, in hairy faces and high heeled boots, without the ability to pay for land enough to plant themselves in, though they curl their pretty lips and call you F-A-R-M-E-R."¹⁰

But the ceaseless flow of gold stories, the published reports of huge shipments of gold-ore from western to eastern ports, and the spectacle of thousands of people throughout the country feverishly preparing for a rush across the plains proved much more effective than the warnings and the pleadings of the editors. "Our exchange papers", reports the *Burlington Hawk-Eye* on February 1st, "contain calls for California meetings all around us. The gold hunters in Iowa City have formed a company for mutual aid and protection, which is well conceived, and they wish others to join them."¹¹ The compact of this

¹⁰ *The Bloomington Herald*, December 30, 1848.

¹¹ *Burlington Hawk-Eye*, February 1, 1849.

company, reprinted in a number of Iowa newspapers under the title "The Iowa-California Compact", evoked on the whole, favorable comment, especially from the editors in the vicinity of Iowa City, who suggested that local units attach themselves to the capital city company. It is apparent, however, from the large number of California meetings held throughout the State, even in communities where organization with the Iowa City company had been suggested, that the urge for local organization proved much too powerful to resist.

ORGANIZATION OF COMPANIES

It has occasionally been asserted that Iowa emigrants in the early days of the gold rush committed themselves to the hazards of the trail totally unprepared. Thus Hoyt Sherman, addressing the old settlers of Polk County years ago and speaking of the emigration from Des Moines declared: "In spite of the uncertainty, peril, and privation of the long journey . . . men would bundle their wives and children into a rickety two-horse wagon, with a small supply of the coarsest food, hitch to it a couple of worn-out horses, or two yoke of oxen, and relying on the road-side growth of grass for support of animals, swing away from civilization for a two or four month's journey toward the Pacific. Relying blindly on nature to cure disease in their party if it came, on the weather for a supply of forage, and on favorable conditions to reach the end of their long journey before winter came . . . they exhibited a blind faith in their good luck".¹²

¹² See Fulton's *Scrapbook of Des Moines* (in the Library of the Historical Department of Iowa at Des Moines), p. 36. The Iowa emigrants of 1849 used ox teams almost exclusively. While some horses and mules were used, they were generally considered too light as draft animals. But the forty-niners, learning by bitter experience that their loading was much too heavy, wrote back urging the emigrants of 1850 to travel light. "Our great mistake", ad-

While it is conceivable that in the later years of the gold rush some Iowa emigrants may have trusted thus blindly to their good fortune, no instances of such heedlessness are reported in the newspapers in the spring of 1849. On the contrary, the evidence clearly indicates that many weeks of careful preparation preceded the departure of the Iowa companies, that the emigrants were deeply conscious of the dangers that confronted them, and that emergencies, so far as they could be anticipated, were carefully provided for.

Despite the meagre news reporting of the forties, it is nevertheless possible to get an accurate notion of how the organization of the Iowa companies proceeded. At a preliminary meeting called by prospective emigrants, the feasibility of the hazardous trip to the gold coast was discussed and, as previously indicated, the number and names of those intending to go were ascertained. At this meeting, or at a subsequent one, two committees were ordinarily appointed, one on rules and regulations, and another on outfit. When these committees were ready to report, another meeting was called. If the reports were accepted, an organization was immediately effected and a roster of subscribers made up. Thereafter, perhaps weekly, the

visited a Jackson County emigrant, "was in taking too much loading and large wagons, and I would advise all who come after us to profit by our experience."—*The Iowa Star* (Fort Des Moines), October 12, 1849. When the rush of 1850 was getting under way, the editors began to voice their fears that the emigrants would suffer from too light loading. "Last spring, persons fitting up for the trip procured the strongest wagons and loaded them down; this year they seek the lightest wagons, provide no clothing and take as little provision as possible."—*Western Democrat* (Andrew, Iowa), February 8, 1850. The editor of the Dubuque *Miners' Express*, March 27, 1850, on the other hand, was inclined to believe that the experience of 1849 would "benefit those who are now on the way. Instead of slow dragging ox teams, most have gone with horses or mules, and all have lighter outfits than last year." But even in 1850 the emigrants were anything but heedless, despite their determination to travel light. Like the forty-niners they formed themselves into companies, made careful provision for the hazards of the journey, and did, in fact, profit from the experiences of their predecessors.

company met to perfect its plans and to listen to progress reports in the matter of equipment and supplies.¹³

To demonstrate the painstaking attention which the Iowa emigrants gave to matters involving mutual protection, sustenance, and equipment, and to show in detail the nature of the organization of an Iowa company of gold-seekers, the report of the Muscatine-California Emigrants' Association on regulations and outfit is here presented.

Report on General Regulations

The undersigned, and others who may be hereafter associated with them, agree to observe and abide by the following Rules and Regulations, for the mutual protection and safety of their persons and property, to continue from their departure from the Missouri River to their destination in California:

1. That each Emigrant shall be furnished and equipped with such teams, provisions, arms, amunition and camp equipage as shall be required by the committee on outfit.
2. That said committee shall consist of three, viz: — — — Who may be removed by a majority vote of the emigrants hereby associated, whose duty it shall be to see that each emigrant is duly supplied with all such things as are necessary for their comfort, health, safety and progress; and whose duties shall continue until the termination of this expedition.
3. There shall be a Committee on Regulations, Consisting of — — — (subject to removal by a majority) whose duty it shall be to see that these rules are carefully observed, and to make all rules to regulate the affairs of the emigrants, as they may deem advisable, and to adjudicate all questions of dispute and to see that the rights of each emigrant are protected and enforced.
4. It shall be the duty of each emigrant to obey all decisions of the said Committee on Regulations, and in default thereof such recusant emigrant shall be expelled from the protection of this association.
5. Any emigrant who shall be afflicted with sickness on the road, shall be taken care of by some one, to be designated by

¹³ *Iowa Democratic Enquirer* (Muscatine), March 3, 1849.

the committee on regulations, from day to day; and in case of death of any emigrant, his effects shall be disposed of in such manner as shall be determined by the committee on regulations, and the proceeds thereof returned to his friends and relatives as speedily as possible.

6. That in case any team shall fail, or any wagon shall be broken, or any other casualty happen, not through the gross negligence of the owner, it shall be the duty of each emigrant to contribute his share of labor, money or property to repair such injury.
7. If any part owner of any team or other property pertaining to this emigration, shall after the day of departure, hereafter to be fixed and published, wilfully fail to go, aid and participate in this expedition, the remaining part owners or owner shall become the proprietors of the whole of such team or other property, to be paid for in California, or on the return of such remaining part owners or owner to Iowa; the value to be fixed by three appraisers appointed by the Committee on Regulations.
8. There shall be a Superintendent of this Association who shall see that these rules are strictly enforced, and cause all orders of the Committee on Regulations to be executed; and shall have command of the daily processions, time of departure each day, and time and place of encampment at the close of each day, subject to the orders of the Committee on Outfit.
9. Said Superintendent shall be elected by a majority; and in executing the duties of his office shall be clothed with military power, and it shall be the duty of each emigrant to obey him as such: Provided, that the orders and commands of such Superintendent may be over-ruled by the Committee on Regulations, except in cases of actual conflict with opposing adversaries not members of this Association.
10. Said Superintendent may be removed by a majority of this Association.
11. No spirituous liquors to be carried by any emigrant, except for medical purposes.
12. The Association shall observe the Sabbath day, if practicable, and shall not travel on that day, unless absolutely necessary.
13. The Committee on Regulations shall have power to impose fines and penalties for a violation of these rules.

14. The Superintendent may appeal from the decision of either of the Committees over-ruling his orders, to the decision of the Association, when duly assembled.

Report on Outfit

Each two or three persons joining said company shall be provided with a good well built wagon, capable of bearing such load as its owners may see fit to put in; but not to exceed, in any case over 3,000 pounds; with such covers as will turn rain. To have an extra king-bolt, and two extra linch pins, and two gallons of tar. For the team they shall have at least one yoke of oxen to every 700 lbs., but not less than three yokes to any wagon; ages from 5 to 6 years.

For tent, Osnaburg of sufficient size to accommodate three persons.

Each wagon should be supplied with tools for repairs, such as an axe, auger, saw, drawing-knife, two gimblets and a hatchet.

Arms and Ammunition. — Each man shall be provided with a good substantial rifle or shot-gun, to carry not more than fifty balls to the pound of lead, a good bowie or butcher-knife, 2 lbs. of powder, 18 lbs. of lead and 1,000 percussion caps.

Provisions. — Each man shall have 150 lbs. flour, 70 lbs. hard bread, 30 lbs. beans, 150 lbs. bacon, 20 lbs. dried beef, 10 lbs. lard, 5 lbs. sugar, 1 lb. tea, 30 lbs. salt, and 10 lbs. soap.

Cooking Utensils. — For each mess a camp kettle, a frying-pan and bread pan.

Cordage. — Each man shall have at least 20 feet of good 3-4 rope, Tackle, chains, yokes, bows, etc., of good quality.

Bedding. — Two Blankets, or their equivalent, per man.

As soon as a local company had organized, the members bent their energies to provide the required outfit. Of this period of activity and of the difficulties encountered by the emigrants the newspapers are comparatively silent. It is obvious, however, in view of the serious nature of the expedition, that great care was taken in the selection of draft animals, and that the building of wagons was a matter of constant supervision. But even after these things had been attended to and the equipment and provisions had been

gathered and stored, other serious problems confronted the emigrants. Particularly important was the determination of the best trail to the Pacific. To aid the emigrants in making a wise selection a number of California "Guides" were available, small pamphlets, for the most part, containing maps of questionable accuracy, and descriptive sketches of the mountains and plains. The author of one of these, publication of which was announced, was John B. Newhall of Burlington, Iowa, whose guide was to consist of thirty or forty pages of descriptive matter and maps. It was advertised to appear on March 1st, but no trace of this guide in printed form has been found.¹⁴

A further point to be considered, especially by those companies comprising units living in different communities, was the selection of some frontier point along the Missouri River which was to serve as a rendezvous, before they launched out upon the plains. The two stations most commonly selected by the Iowans were St. Joseph (then St. Joseph's), Missouri, and Council Bluffs, Iowa. The former was better known, but the latter offered a more direct route to the South Pass of the Rockies. Favoring St. Joseph, however, was the fact that companies originating along the Mississippi could ship their loadings by regular boat service to that point and thus save their teams by traveling light through Iowa.¹⁵

A final matter to be determined was the date of local de-

¹⁴ J. B. Newhall, one time secretary to Governor James Clarke, had visited the West as early as 1836. He had written a series of articles for an eastern journal under the title *Sketches of Iowa* and in 1846 had published a book called *Glimpses of Iowa*. For Newhall's connection with the Burlington emigration see footnote 46. No copy of Newhall's "Guide" has been discovered. Other guides widely advertised in the Iowa press were Seymore's *Guide to California* — *Iowa Democratic Enquirer* (Muscatine), March 31, 1849 — and Ware's *California Guide* — *The Miners' Express* (Dubuque), February 20, 1849.

¹⁵ See *Des Moines County* and "Iowa Trails to the Missouri", pp. 331, 354. St. Joseph was usually written "St. Joseph's" in the early guides and maps.

parture. The chief consideration in fixing this date was the condition of the forage upon the plains. Obviously, no crossing could be attempted before the grass was high enough to feed the stock. The Iowa companies may also have considered the fact that thousands of gold seekers from eastern States were likely to converge at a few frontier points and that unless the Iowa units arrived early, they would be delayed by a jam at the ferry crossings along the Missouri. How far the latter consideration entered into the calculations of the Iowans can only be conjectured, but the time fixed upon by most companies to make the start appears to have been the first week in April, sufficiently early, as events later proved, to avoid costly delay at the crossings.¹⁶

FRAUDS, HUMOR, AND POETRY

The organization of the Iowa forty-niners for a march across the plains was, on the whole, a serious business. The breaking of home ties, the investment both in cash and equipment required to make the journey, and the dangers of the trip were not matters to be taken lightly. An examination of the news files, nevertheless, indicates that from the beginning considerable jocularly accompanied the progress of the preparations and that incidents sometimes occurred which offered a comic relief to the seriousness of the undertaking. Particularly amusing was a fraud by which a number of Iowa editors were duped.

A man who called himself Don Jose D'Alvear and was said to have been the original discoverer of gold in California claimed he had made the discovery by means of a

¹⁶ The departures actually occurred, however, all through the first half of April. A portion of the Dubuque company appears to have got away as late as April 24th.—*The Miners' Express* (Dubuque), April 24, 1849. On the other hand, a company from Burlington departed as early as March 26th.—*Iowa State Gazette* (Burlington), March 21, 1849.

newly invented magnetic instrument called the "goldometer". This machine, D'Alvear announced, he now wished to place upon the market "at the remarkably low price of *Three Dollars* each, accompanied by full instructions for use, and a variety of philosophical hints drawn from the ancient and modern sciences, on the art of Finding Mines of Gold . . . and other Mineral Riches, the whole being given in a publication called the Gold Seeker's Guide.

"The goldometer is so simple an instrument", the Don claimed, "that a child may learn to operate it in five minutes. It is not affected by climate, moisture, or any other known causes, (except the natural magnet) and will retain its power of pointing out mineral riches in the earth for any number of years."¹⁷

A long, finely printed advertisement setting forth the virtues of this machine was mailed to newspaper editors everywhere, with the request that it be printed. For inserting the advertisement the editor was to receive ten dollars, to be remitted later. The novelty of the machine, the alluring claims concerning its efficiency, and the wide publicity the machine was receiving in the eastern press gave the matter a *bona fide* appearance. As a result some Iowa editors not only inserted the advertisement, trusting that the promised ten dollars would soon reach them, but also ordered the machine. "The thing bears upon its front the features of a remarkably steep humbug", writes one editor, who suspected his gullibility would be ridiculed should the goldometer prove a fraud, "and we ask of our friends who are going to California a suspension of opinion until the arrival of a specimen of the machine, which we herewith order."¹⁸

¹⁷ *The Davenport Gazette*, February 1, 1849.

¹⁸ *The Bloomington Herald*, February 3, 1849.

Needless to say, the ten dollars for running the advertisement was never paid, and when the machine arrived, it was found that it would indeed attract metals, but that any intervening earth destroyed its efficacy.¹⁹

The credulity of the people regarding matters pertaining to California during the early spring months of 1849 is further illustrated by a hoax which a local jokester perpetrated upon the people of Davenport. For a number of days a report had been circulating that recruits were being sought by the government for service in California. Thereupon a notice was posted that on the following day a recruiting officer would visit Davenport, hoping to enlist five hundred men. Those who entered the service were to receive three dollars a day on their journey to California and five dollars if they furnished their own horses. It is reported that the city was suddenly thrown into a paroxysm of California fever, and that young and old were eager to enlist. The recruiting officer, however, failed to make an appearance.²⁰

Reflecting the lighter side of the gold rush, also, are the California anecdotes and poems which one encounters so abundantly in the Iowa newspapers of the spring of 1849. While it is probably true that few of these are local in origin, the fact that they were read and enjoyed by thousands of Iowans, while the local companies were busy with their preparations, and the fact that they helped to reflect the spirit and temper of the period may justify the inclusion of some of them here.

The following anecdote, with something of regional humor about it, seems to have been inspired by the goldometer fraud of D'Alvear: "A Yankee down East has invented a specific for the use of gold hunters. The operation

¹⁹ *The Davenport Gazette*, April 5, 1849.

²⁰ *The Davenport Gazette*, February 8, 1849.

is to grease himself well, lay down on the top of a hill, and then roll to the bottom. The gold and 'nothing else' will stick to him. Price \$94 per box."²¹

Another invention, intended for the convenience of the emigrants en route to California, was a newly patented stove. "It is placed under the feet, and a mustard plaster upon the head", the directions stated, "draws the heat through the entire body."²²

Many of the stories circulating through the Iowa press reflect the exaggerated reports concerning the marvelous production of the California mines and the size and the value of the nuggets. There is, for example, the story of the soldier who had discovered a rock weighing 839 pounds. Of course he could not move it; so at latest accounts he had been sitting there 67 days and had offered \$27,000 for a plate of pork and beans.²³

There is also the story of the man who returned home from California with gold to the amount of \$64,000 which he deposited in one of the mints. "He took off his old tattered unmentionables, and was about to throw them away, when his wife, good prudent woman, took them, and with a trifling effort, shook \$23,000 worth of gold out of them."²⁴

The novelty of playing poker at the mines with gold dust as a medium of exchange suggested the following story. Four persons had seated themselves to play a game of poker — the ante, as a substitute for money, being a handful of gold dust. They continued playing for some time, no one winning much. At length one of the group who had a good hand went a handful better. "I see that and go you a pint better", cried another who also had a strong hand.

²¹ *The Miners' Express* (Dubuque), April 3, 1849.

²² *The Iowa Star* (Fort Des Moines), July 26, 1849.

²³ *The Davenport Gazette*, March 8, 1849.

²⁴ *The Miners' Express* (Dubuque), March 27, 1849.

"I see that", responded the first, "and go you a quart better." "Well, I see that and go you a gallon better", responded the other. This rather disconcerted his adversary for a while, as it oversized his pile, but confiding in the superior strength of his hand he collected together all the gold dust he had left, put it aside, and coolly remarked to one of his companions, "Here, Jim, watch my pile till I go out and *dig enough to call him*."²⁵

Of poetry relating to the California gold rush, whether humorous or otherwise, relatively little seems to have found its way into the Iowa newspapers, and what did appear is for the most part poor. In February, 1849, the *Keokuk Register* reprinted the highly popular "California Emigrant", sung to the tune of "Oh Susanna!" but if the song became as popular in Iowa during the early stages of the gold rush as it did elsewhere, the fact is not evident from an examination of the news files. The jingle which follows is offered chiefly for the theme of the second line, a topic especially popular among newspaper editors and merchants who suffered severely from the departure of emigrants who had not paid their debts.

I'm away, I'm away to the golden shore;
I've cut my creditors — they'll know me no more.
I've said goodby to Sall, Moll and Sue,
They may wail and weep and affect to look blue —
But I'll brave the worst, I'll encounter all shocks —
They will see me no more, unless I come home
With my breeches pockets well filled with rocks.²⁶

A poem, written apparently by some one in Davenport, reflects, in its lament of the heartaches caused by the lure of gold, the sadder aspects of the gold rush.

²⁵ *The Miners' Express* (Dubuque), April 10, 1849.

²⁶ *Iowa Democratic Enquirer* (Muscatine), March 3, 1849.

O, cursed love of gold!
 How worthless is the prize
 That human life doth hold
 To our young uncheated eyes;
 For this from home and house we part,
 And tear sweet nature from the heart.

In vain fond parents weep;
 In vain a sister sighs;
 To gather gold we sweep
 To sickly climes and skies;
 And when the stream begins to roll,
 We gain the world and lose the soul.²⁷

THE EVE OF DEPARTURES

With the approach of spring, the California fever, which had abated somewhat during the winter months, rose to a new peak. Merchants who planned to make the trip — and there were many of them in the spring of forty-nine — adjusted their affairs as hastily as possible. “O. P. H!!” (Oh Please Hurry!!), they advertised in the local newspapers, we “are now up for California. All persons indebted to . . . [us] will please pay up immediately.”²⁸ Emigrating professional men, particularly doctors and lawyers, announced the dissolution of partnerships and prepared to close their offices. Everywhere, on the farms, as in the towns, members of the California companies made whatever arrangements were necessary to facilitate their departure or to meet the exigencies which would result from their absence.

As the date of departure drew near, preachers exhorted the emigrants upon the moral dangers involved in the great venture, and not a few of them decided to accompany the Californians as spiritual advisers. Prominent among

²⁷ *The Davenport Gazette*, April 26, 1849.

²⁸ *The Miners' Express* (Dubuque), March 20, 1849.

the latter was the Reverend S. V. Blakeslee of Ottumwa, whose zeal for the moral welfare of the Iowa emigrants led him to visit a number of companies and lay before them the advantages of refraining from travel on the Sabbath. The editor of the *Burlington Hawk-Eye*, who envisioned Blakeslee among the Californians as something of a John the Baptist lifting up his voice in the wilderness and preparing the path of the Lord, regarded the preacher's decision to accompany the emigrants as highly commendable.²⁹ Some editors, however, noting a practice, especially in the West, of preachers attaching themselves to companies, were apparently suspicious of the motives which prompted many of them to join, and expressed the hope that in California they would not grub for gold.³⁰

Another source of criticism by some of the Iowa editors was the fact that in many communities women and children were included in the emigrant lists. For these, the editors argued, the journey would be too long, arduous, and dangerous. "Hardly can we hold that man guiltless", wrote the editor of the *Davenport Gazette*, "who imposes so much privation upon his family as to drag them across the interminable prairies that separate us from California."³¹ To this as to other warnings, however, the emigrants seemed to pay little heed, with the result that some Iowa companies, as for example those from Jackson County, included an unusually large number of women and children.

By the second week in March the first overlanders from the north and east began to arrive at various points in Iowa. Down the Mississippi they came, hundreds of them, presently, crowding boats piled high with baggage. Across

²⁹ *Burlington Hawk-Eye*, March 15, 1849.

³⁰ *The Davenport Gazette*, March 29, 1849.

³¹ *The Davenport Gazette*, April 12, 1849.

the ferries at all the principal crossings between Dubuque and Keokuk, long lines of emigrant wagons made their way into Iowa, some heading for St. Joseph, others for Council Bluffs. Over night, business at these points became suddenly brisk. The ferries, especially, reaped a fine harvest of dollars.³² The elated editor of the *Miners' Express*, hoping to divert trade to that point, declared:

Persons fitting out for California will find it to their interest to lay in their entire outfits at this place.

Emigrants from Wisconsin, Illinois, and other states east of the River, who are going the overland route by way of Council Bluffs, will find this the best place to purchase their outfit.

Those who put off purchasing until they get further west, will be taken in.³³

Other towns advertised in much the same fashion, each pointing out to the emigrants the special advantages which would result from making a crossing at that particular place.

The date on which the first company of Iowa forty-niners departed for the gold coast would be difficult to establish. It is highly probable, however, that some units got away as early as the second week in March, expecting, apparently, to wait at the rendezvous until the condition of the grass on the plains made the "jump-off" possible. The date for departure scheduled by most of the Iowa companies was around April first. As a matter of fact, emigration took place all through the first half of April, and some units did not get away till the fourth week in April.

Equally difficult to establish is the total number of

³² *The Miners' Express* (Dubuque), March 20, 1849; *The Davenport Gazette*, April 5, 1849.

³³ *The Miners' Express* (Dubuque), April 3, 1849. Really active competition between the various crossing points did not develop until the forty-niners had gone over. Almost immediately thereafter, however, preparations were made to capture the crossing trade of the following season.

Iowans who joined the rush to California. Estimates reported for communities where no papers existed were probably based on hear-say or conjecture, while those from communities which had papers were too frequently premature and consequently not subject to a final corrective check as the date of departure approached. An editorial in the *Dubuque Miners' Express* on April 17, 1849, written, therefore, after the major portion of the emigration had gotten under way, seems to offer the most dependable estimate. It is quoted below, for the additional reason that it probably reflects better than any other contemporary utterance, the attitude and emotions of those who stayed at home as they contemplated the departures of their friends for far-off California.

The attraction of gold will take a large number of the citizens of our state to the distant regions of California the present spring.

The County of Dubuque will afford her full share of the immense caravan that is about to launch out upon the broad prairie, and bend its course o'er the boundless plains and towering hills to the golden valley of the Sacramento.

One hundred, at least of her sons, breaking away from the attraction of home, and the ties of kindred affection, will soon have turned their backs upon the fairest and pleasantest portions of our happy country, to seek new homes and new friends upon the western verge of our continent. . . .

The numbers, leaving the borders of our beautiful Iowa . . . will not come short of one thousand, and may reach as high as twelve hundred. . . .³⁴

The home of the hardy pioneer which had just begun to yield the thousand sweets that cluster around that sacred name, must be forsaken and forgot, and its restless tenants thrown again upon the

³⁴ The population in Iowa in 1849, as shown by the returns of the assessors, was 154,368. — *The Iowa Star* (Fort Des Moines), January 18, 1850. In this State as in others, however, the loss of numbers gave less concern than the fact that so large a number of the emigrants were professional and business men, or otherwise prominent citizens. Few others could afford to go. It is interesting to consider that it must have required no less than 550 wagons and 3700 draft animals to transport the Iowa emigrants and their loadings to the gold coast.

world of adventure in gathering the dust that glitters in the rays of the setting sun.

Many, many we fear will be doomed to disappointment, and will rue the day they forsook the flowery plains of our beautiful State. But to those who have determined to hazard the enterprise, we can but say, God speed you; and when we learn of fortunes made, or fame secured, our heart will thrill with joy, if connected with that fortune or that fame shall be the name of some son of our own Iowa.

ORGANIZATION AND PERSONNEL OF THE IOWA COMPANIES

Those acquainted with the sketchy manner of news reporting in the period under discussion will realize the difficulties of presenting even a brief account of the organization and personnel of the Iowa companies which, in the spring of 1849, joined the rush to California. A further complication, however, is the fact that scarcely a third of the Iowa news files for the year 1849 are still preserved. A more or less detailed exposition will be possible, therefore, with regard to only a few localities.³⁵

No doubt several companies left Iowa about whose existence nothing has been discovered. Concerning many others only meagre details are available, these having been obtained, for the most part, from exchange items in the various newspapers, or from comments found in the printed letters of the emigrants. But even for the companies concerning whose organization the major facts are known, it is impossible, on account of the inadequacy of the reporting, to get a satisfactorily complete picture. Not

³⁵ In addition to the newspapers, such other sources were used as were readily available. No attempt was made, however, to examine all diaries and books relating to the forty-niners, in the hope of finding information with regard to the emigration out of Iowa. While a comprehensive investigation of all such sources would doubtless throw additional light upon the emigration from various localities of the State, and in some instances, perhaps, serve to correct erroneous conclusions in this paper, the likelihood is small that it would contribute anything important to the entire presentation.

a single instance was discovered, for example, where an editor narrated the events of the stirring day when the local company departed, or depicted the dramatic moment when the long whips cracked and the ox teams and the covered wagons began the long march to the Pacific.

Despite these many, and in some respects serious limitations, however, it is hoped that the sections which follow will present a fairly accurate survey of the organization and personnel of the Iowa companies, and wherever possible show the extent of the emigration from the various counties.

Cedar County.—A number of emigrants from Cedar County organized with groups from Jackson, Jones, and Clinton counties in a meeting held at Thorn's Mill, on February 22, 1849. M. G. Heart presided and J. D. Denson acted as secretary. After many resolutions concerning the safety of the company had been passed, it was agreed that the emigrants should be ready by the first day of April to start at a day's notice and to rendezvous at Iowa City, the first marching point.³⁶ It is probable that this company later joined the company at Iowa City. (See *Clinton County.*) Concerning the number and identity of the Cedar County emigrants in the group organized at Thorn's Mill, nothing was discovered.

From a news item in the issue of the *Muscatine Democratic Enquirer* for June 23rd, it appears that a second party of Cedar County emigrants chose St. Joseph as a point of rendezvous and there joined forces with a company from Muscatine, Iowa, and one from Illinois. The organization thus formed numbered twenty wagons and fifty men. It crossed the Missouri on May 12th and

³⁶ *The Davenport Gazette*, March 1, 1849. The location of Thorn's Mill has not been discovered. It was probably centrally situated with reference to the four counties involved.

camped in a small prairie. Here a member of the Cedar County group, John H. Denslow, died of the cholera.

While no direct information was discovered concerning the size of the two Cedar County units, the fragmentary grouping of the emigrants and the relative silence in the newspapers with regard to the emigration from the county seem to indicate that the total number of emigrants was small, perhaps not over thirty.

Clayton County.—The California fever in this county had set in so strongly by the first week in February, 1849, that in the opinion of the Dubuque *Miners' Express*, Clayton County would "probably, if reports from there be true, send more emigrants than any county in the north."³⁷

Since it is likely that the Dubuque editor had the emigration from his own county in mind as a basis for comparison, the number reported going from Clayton County early in February probably ranged from fifty to seventy-five. No information was found, however, which threw further light upon the emigration from this county.

Clinton County.—Two brief items supply all that has been discovered with regard to the emigration from Clinton County. The first, a news item in the *Davenport Gazette* of March 1, 1849, reveals that a group of Clinton County emigrants organized with groups from neighboring counties at Thorn's Mill, on February 22nd.³⁸ Of the personnel of this local group nothing is said. The second item, an extract from a letter by Loring Wheeler of De Witt, Iowa, dated November 5, 1849, at Feather River, California, reports that "All Clinton county folks are in safe. Cotton and Oaks lost all their cattle but three, and

³⁷ *The Miners' Express* (Dubuque), February 6, 1849.

³⁸ See account of emigration from Cedar County, pp. 329, 330.

Haun and Bourne lost all but one yoke. Barber, who married Almira Burton, lost everything and I have been informed that Almira had to walk through the mud and snow about fifty miles."³⁹

Loring Wheeler was a member of the Iowa State Senate.⁴⁰ He was prominently connected with the formation of the Iowa City company and at the frontier was elected colonel of his company.⁴¹ In view of the fact that the organization formed at Thorn's Mill agreed to rendezvous at Iowa City by April 1st, the date set for the departure of the Iowa City company, and the fact that Wheeler was well informed concerning the fate of the Clinton County emigrants upon their arrival in California, it seems highly probable that the Clinton County group joined the Iowa City company, and thus at the Missouri, came under Loring Wheeler's command.

Des Moines County.—The first recorded meeting of California emigrants in Des Moines County occurred in the Burlington courthouse on the evening of February 3, 1849. Francis J. C. Peasley occupied the chair, while George W. Kelly acted as secretary. A committee of six, composed of C. Hall, George W. Bowie, John S. David, Jas. McKee, Oliver Cottle, and Jacob Arrick, which had apparently been appointed at a previous meeting to draft recommendations on equipment, offered its report. This committee recommended that emigrants provide themselves with good, light wagons, that the loading should not exceed 2500 pounds, and that four yoke of oxen not over eight years old should be provided for each wagon. With regard to the number of individuals to a wagon the com-

³⁹ *The Miners' Express* (Dubuque), February 13, 1850.

⁴⁰ Gne's *History of Iowa*, Vol. IV, p. 284.

⁴¹ See section on Johnson County below, pp. 342-345.

mittee recommended not less than three and not more than four. No spirituous liquor except for medical purposes was to be taken. In general, the remainder of the equipment specified was similar in type and quantity to that suggested in the Iowa-California compact. The teams were to be ready to start by March 25th.⁴²

While it is reasonable to suppose that members of the Burlington company met at regular intervals to perfect their plans, it is March 22nd before we again hear of them. On that day a petition, signed by six members, appeared in the *Burlington Hawk-Eye*,⁴³ addressed to the Reverend William Salter, which read as follows:

Dear Sir — We, the undersigned members of the California company, would respectfully request you to preach a sermon to us before we start, at whatever time and place you may think proper.

In the same issue of the *Hawk-Eye* appeared Salter's acceptance of the invitation. He specified the Congregational meeting house as the place, and Sunday evening, March 25th, the eve of the departure of the California company, as the time. On that Sunday evening Salter confronted a crowded church. So appealing was his sermon that he was requested to repeat it the following Sabbath to emigrants who were going later.

On Monday morning, March 26th, the first contingent of the Burlington emigration started for the Missouri. To save time and to spare the teams, the wagons started light out of Burlington, the bulk of the loading being sent by boat to St. Joseph.⁴⁴ For two weeks thereafter teams left

⁴² *Burlington Hawk-Eye*, February 8, 1849.

⁴³ *Burlington Hawk-Eye*, March 29, 1849.

⁴⁴ *Iowa State Gazette* (Burlington), March 21, and 28, 1849. J. S. David and C. H. Miller went to St. Joseph by boat, probably to take charge of the loading and to make arrangements for the arrival of the Burlington Company. — *The Miners' Express* (Dubuque), May 30, 1849.

Burlington and vicinity almost daily. By April 5th the editor of the *Burlington Hawk-Eye* listed 76 persons who had gone and 8 who were yet to leave. He estimated that 100 would go from Des Moines County. A few, apparently, backed out before the day of departure, if the local editor may be taken seriously. He tells the story of one young man bound for California who took his blanket and slept one night on an open porch. The next morning he decided not to go. Another young man took a yoke of oxen and traveled six miles through the mud. It was a hard day's work. The next morning he gee-hawed them back again and that evening took his name off the emigrant list.⁴⁵

The emigration from Des Moines County, it appears, centered around three organizations. One company — in part, perhaps, the one whose report on equipment was summarized above — was reported at St. Joseph on April 29th as comprising 47 persons. It was under the leadership of Captain Wile.⁴⁶ A second group, referred to as the Peasley and Brooks company, was smaller, but expensively equipped. It consisted of 11 men, with F. W. Brooks in charge. At St. Joseph this group united with a company from Oquawka, Illinois, under the charge of Captain Findlay. They crossed the Missouri River on May 4th and arrived at the diggings ninety-eight days later, making one of the fastest trips on record.⁴⁷

⁴⁵ *Burlington Hawk-Eye*, April 12, 1849.

⁴⁶ *Burlington Hawk-Eye*, May 17, 1849. Information concerning the Burlington emigrants at St. Joseph was supplied in a letter from J. B. Newhall, prominent Iowan and a resident of Burlington. Newhall had planned to accompany the Burlington group to California, but on May 7, he died of cholera at Independence, Missouri. — *Burlington Hawk-Eye*, May 24, 1849.

⁴⁷ *Burlington Hawk-Eye*, April 5, 1849. See also *The Davenport Gazette*, November 1, 1849. Peasley, apparently, was prevented from accompanying his party in April, but went by water, leaving Burlington about the latter part of November. — *Burlington Hawk-Eye*, January 3, 1850.

The evidence of a third party rests upon two facts: first, the Burlington groups reported at St. Joseph fall far short of the numbers known to have emigrated from the county, indicating that a group may have chosen Council Bluffs as a frontier point of departure; and second, a company referred to as the "Hawk-Eye Company" under the leadership of Colonel Burdge is reported among the companies that had crossed the ferry at Trader's Point (Council Bluffs).⁴⁸ Of this group, however, no further information has been discovered.

Dubuque County. — Nowhere in Iowa, so far as available records show, did the gold fever strike so early as at Dubuque. Impatient to get to the gold fields and hoping by an early arrival to make money by speculation, S. M. Hammonds, William H. Merrit, and E. Mobbly, three of the city's most prominent men, left Dubuque for the gold coast on New Year's Day, 1849, going by way of New Orleans and Panama. By January 23, 1849, between ten and fifteen had departed, most of them going by way of New York.⁴⁹

The excitement aroused by these early departures and by the preparations preceding them must have proved very contagious to those who were considering an overland trip in the spring, for on December 30, 1848, two days before the earliest departures by water, the first California meeting of overland emigrants was held. At this meeting, which took place at the courthouse, signatures were taken of all those who wished to form an emigrating company.

⁴⁸ *The Iowa Star* (Fort Des Moines), July 26, 1849.

⁴⁹ *The Miners' Express* (Dubuque), January 23, 1849. On March 24th five other citizens of Dubuque left for California by way of New Orleans and the Isthmus. — *The Miners' Express* (Dubuque), March 27, 1849. For comment with regard to the experiences of some of the men who took the water route see pp. 358-361.

The list was then posted in the store of V. Glenat, a prospective emigrant, for additional signatures.⁵⁰

The organization meetings which inevitably followed were unfortunately not recorded in the *Miners' Express*, the only Dubuque news file of the period now extant, nor were the compact and the regulations governing the outfit printed. That a large company was formed very early, however, is evident from an item in the issue of February 6th which informs us that "Some fifteen or twenty wagons are now under contract to be finished in season for the earliest emigrants." Thereafter, with the exception of a few brief references, the preparations of the Dubuque company are not alluded to until April 24th. On that day the editor of the *Miners' Express* published a list of over seventy-five emigrants who had already departed or were to depart within the week. The list included four families and more than ten children.⁵¹

The frontier point selected by the Dubuque company as a place of rendezvous was Council Bluffs. Leaving Dubuque, the train passed through Cedar Rapids and Iowa City and then swung across the prairies to the Missouri. The roads were bad and the weather unpleasant.⁵² First to arrive at the Missouri River was V. Glenat and his party, on May 11th. A few days later, he and a group of others who had come up in the meantime crossed the Missouri, made camp, and waited. But other Dubuque teams, as they arrived at the river, stopped on the east side to wait for the rear wagons to come up. When these got ready to move, a large number of other wagons had collected at the ferry, and the Dubuque teams, having forfeited the right

⁵⁰ *The Miners' Express* (Dubuque), January 9, 1849.

⁵¹ *The Miners' Express* (Dubuque), April 24, 1849.

⁵² *The Miners' Express* (Dubuque), June 27, 1849. E. F. Gillespie, however, who arrived a few days later, reported the roads good and most of the streams bridged. — *The Miners' Express* (Dubuque), June 20, 1849.

to cross first, were delayed three or four days longer.⁵³ Members of the party on the west bank, impatient at the delay, were tempted to go ahead without the late comers. The difficulty of their situation was increased by the fact that other units with whom the Dubuque company had planned to organize had to wait likewise. To save time the group already assembled decided, on the evening of May 17th, to draw up their constitution and elect officers.⁵⁴ At the organization meeting it was apparently determined, for reasons not stated, to break camp and to move slowly westward in the hope that the others would catch up. But at a point thirty-five miles beyond the Missouri they again went into camp. "Here we have been for the last three days", wrote E. F. Gillespie, "waiting the tardy movements of the Dubuque company. We cannot go alone, and so we are obliged, very unwillingly to remain."⁵⁵

The organization formed at the Missouri River seems to have numbered 53 wagons and apparently comprised, in addition to the Dubuque company, the company from Galena, Illinois.⁵⁶ The officers of the train are not recorded. By June 24th, however, the train split for greater travelling convenience, and it appears that the Dubuque⁵⁷ teams, together with a few others, were travelling in a wing of

⁵³ *The Miners' Express* (Dubuque), June 20, 1849.

⁵⁴ *The Miners' Express* (Dubuque), June 27, 1849 (Letter from V. Glenat).

⁵⁵ *The Miners' Express* (Dubuque), June 27, 1849.

⁵⁶ *The Miners' Express* (Dubuque), June 27, 1849. Also see Goodspeed's *History of Dubuque*, p. 84.

⁵⁷ *The Miners' Express* (Dubuque), August 5, 1849. In September a second attack of the California fever struck Dubuque in consequence of several optimistic letters from Dubuque miners in the gold fields. W. A. Goodspeed, in his *History of Dubuque*, p. 87, reports, perhaps on evidence no longer available, that many more emigrants departed at this time. *The Miners' Express* (Dubuque), while it mentions the flurry of excitement and urges caution until a full report from California may be had, is silent with regard to an actual emigration. — *The Miners' Express* (Dubuque), September 5, 1849.

twenty-two wagons. This group arrived in California about the last week in August.⁵⁸

Henry County.—The editor of the *Dubuque Miners' Express*, in the issue of April 17, 1849, estimated the emigration from Henry County to range from fifty to seventy-five persons. If these figures can be trusted, it would seem that at least two, and possibly more, California companies were organized in Henry County. However, the information discovered deals only with a small group from Mount Pleasant, referred to in the printed letters from the emigrants as the "Saunders" group.⁵⁹ On April 29th this company was encamped at St. Joseph, where, according to J. B. Newhall of Burlington, it numbered eleven men.⁶⁰ The Mount Pleasant company, it seems, was not only very well equipped but carried with them three thousand dollars in cash. Not long after the arrival of the company in California, however, the three thousand dollars were reported spent and two members of the company, the sons of General McMillan, were reported dead.⁶¹

Jackson County.—"Our neighboring county of Jackson", wrote the editor of the *Dubuque Miners' Express* on April 17, 1849, "will probably send an equal, if not greater number [than Dubuque County] of the hardy tillers of a most valuable soil, who fondly hope . . . to reap a larger and more substantial fortune in the glittering sands of the Pacific shore." That the emigration was truly large is corroborated by a statement in the *Davenport Gazette* of March 1st, reprinted from the *Jackson County Demo-*

⁵⁸ *The Miners' Express* (Dubuque), December 5, 1849.

⁵⁹ *The Davenport Gazette*, March 7, 1850.

⁶⁰ *Burlington Hawk-Eye*, May 17, 1849.

⁶¹ *The Davenport Gazette*, March 7, 1850.

crat, to the effect that over forty families were preparing to go to California, with the intention of settling there.

The absence of Jackson County newspapers for the spring of 1849, however, makes a detailed presentation of the organization of the local companies impossible. It seems probable, from the letters of the emigrants, that companies were organized at Andrew, Maquoketa, and possibly Bellevue. A company referred to as the "Marshall company" seems to have originated in the vicinity of Andrew and probably comprised many of the families mentioned by the *Jackson County Democrat* as intending to remain in California. Of the movements of this company nothing is known till it arrived at Salt Lake on August 20th.⁶²

From a letter of D. S. Wright in the *Western Democrat* of February 22, 1850, it appears that a group of Jackson County emigrants proceeded to Council Bluffs and there associated themselves with the Iowa City company—the Sacramento company—under Loring Wheeler. One of the officers of this company was Captain D. H. T. Moss of Galena, who was accompanied by his wife and children.⁶³ Wright's letter mentions the death of Mrs. Moss in such a way as to imply that she was a member of his company.

It is also probable that some of the Jackson County emigrants became members of the splendidly equipped Spartan Band reported at Council Bluffs under the leadership of Colonel John Sawin, but the only evidence for this assumption is the fact that G. W. Pope of Jackson County was appointed one of its judges.⁶⁴

⁶² See the section, "Iowans En Route", pp. 358-365.

⁶³ *The Iowa Star* (Fort Des Moines), July 26, 1849.

⁶⁴ *The Iowa Star* (Fort Des Moines), July 26, 1849. G. W. Pope was probably the Reverend Pope from the vicinity of Sabula.—*Western Democrat* (Andrew), January 18 and April 5, 1850. For a list of the officers of the Spartan Band see the account of Jefferson County, p. 341, footnote.

The only organization meeting recorded including emigrants from Jackson County is that reported in the *Davenport Gazette* of March 1st. The meeting took place at Thorn's Mill, the location of which has not been established, on February 22nd, and was attended by citizens from Jones, Jackson, Cedar, and Clinton counties. As has already been pointed out (see *Cedar County* and *Clinton County*), the company here formed agreed to rendezvous at Iowa City on the first of April, and at the frontier probably joined the Sacramento company under the command of Loring Wheeler. No further information concerning the organization or identity of this company has been discovered.

It appears, therefore, by way of summary, that the emigration from Jackson County was large, probably in the neighborhood of one hundred persons, and that it comprised an unusually large number of women and children. It proceeded in three or more organizations to Council Bluffs. Here the various companies joined other units. All arrived in California in the fall of 1849 with the exception of the Marshall company as will be shown later.

Jefferson County. — Not wishing, perhaps, to be instrumental in disturbing local tranquillity by printing news about which he was skeptical, the editor of the *Fairfield Iowa Sentinel* had maintained a discreet silence during the early excitement occasioned by the rumors of California gold. But with the publication of the President's message in the local paper late in December, 1848, the contagion, apparently, could no longer be avoided. How quickly thereafter the California fever set in at Fairfield may be judged from the fact that while on January 5, 1849, the *Fairfield* editor reported merely "some talk" of emigrating in the spring, a week later he printed a notice calling

attention to the first California meeting. This meeting, which was to be held at the courthouse on Monday, January 15th, was called "for the purpose of devising the best means for an outfit . . . and to ascertain how many were planning to go from the town of Fairfield and the county."⁶⁵

That anything definite in the way of organization was attempted at this meeting is not indicated. Apparently, however, during the weeks immediately following, the fever in and about Fairfield had abated, for on January 26th the editor predicts that few cases are likely to prove fatal. He calls attention to the fact, however, that the Iowa-California company, being organized at Iowa City, would leave that place on April 1st and would very probably pass through Fairfield on its way west. He believed it would be advantageous for local people desiring to emigrate to join that company.⁶⁶

But the editor's suggestion was not acted upon. Nor had the fever abated nearly so much as he had supposed. On February 13th, a second California meeting was held, at which "A number of persons, citizens of Jefferson County, who contemplate emigrating to California early in the ensuing spring, met in the Iowa Drug Store." R. W. Steel was called to the chair, and J. N. Bell was appointed secretary. A committee of five, composed of Messrs. Shedd, Hardin, Jenkins, Rice, and Myers, was appointed for the purpose of drafting a code of rules for the better organization of the Fairfield company. Before adjourning, the group decided to meet again the following Monday evening at six o'clock, in the Presbyterian church. All who planned to make the trip were requested to attend.⁶⁷

⁶⁵ *The Iowa Sentinel* (Fairfield), January 12, 1849.

⁶⁶ *The Iowa Sentinel* (Fairfield), February 2, 1849.

⁶⁷ *The Iowa Sentinel* (Fairfield), February 16, 1849.

The Fairfield paper fails to report the nature of the business taken up at the Monday evening meeting. One may presume, however, that the committee of five presented its plan of organization, that a general discussion ensued, and that before the evening was over the Fairfield-California company had become a reality.

In the meantime, while the Fairfield company was being formed, a county company was also in the process of organization. Where the group met, when it was organized, and what its personnel was, are not reported in the local paper. It appears likely, as will be shown later, that this company was even larger than the Fairfield company.

It was on Thursday, April 19th, that the Fairfield group, with the exception of two teams which were to leave the following Monday, departed for the Missouri River. As locally reported, the company consisted of thirty-three persons and eleven teams. Included in the number were one woman and three children, the family of Willard Markham.⁶⁸

Whether by accident or agreement, it is evident that the two companies from Jefferson County departed about the same day and proceeded by way of Fort Des Moines and Clark's Road to the same point on the Missouri River, namely Trader's Point. At this rendezvous both companies, in conjunction with at least three other groups, formed a regiment called the Spartan Band. If the figures given may be trusted, this band numbered 57 wagons and 163 persons. It was splendidly organized and was reported by observers as a fine body of men, fitted out with all the necessities of life.⁶⁹

⁶⁸ *The Iowa Sentinel* (Fairfield), April 20, 1849.

⁶⁹ *The Iowa Sentinel* (Fairfield), April 20, 1849. The officers of the Spartan Band were as follows: John Sawin, of Aurora, Illinois, colonel; C. Rufus Street, Esq., of Buchanan, Michigan, adjutant; W. H. Holwart, M. D., of Southport, Wisconsin, surgeon; Absalom Maxwell, of Illinois, chief judge;

The officers of the Jefferson company (apparently the county company) were R. L. Smith, captain, Daniel Campbell, lieutenant, and J. Rogers, sergeant. The company, as here reported, numbered 12 wagons and 40 men.

The officers of the Fairfield company were J. T. Hardin, captain, Randall Rice, lieutenant, and William Baker, sergeant. Eleven wagons and twenty-five men were credited to the company at this point. On the basis of these figures, therefore, the migration from Jefferson County totaled 23 wagons and 65 men.⁷⁰

Johnson County. — Despite the absence of the Johnson County news files for the year 1849, sufficient data are available from other files of the period to indicate that Iowa's capital city took the gold fever seriously and early. From the name of the company formed and from comments in the Burlington, Fairfield, and Muscatine papers, it is certain that the Iowa City emigrants, during the early days of their organization at least, planned to form a State company by inviting emigrants from other counties to join them.⁷¹ The date of the first meeting is not reported, but it appears to have taken place very early, possibly in December of 1848. At any rate, on the evening of January 13, 1849, "after several preparatory meetings", an association was formed. Doctor William McCormick was appointed president, C. C. Catlett, secretary, and A. H.

H. E. Hall, Esq., of Southport, Wisconsin, second judge; G. W. Pope, of Jackson County, Iowa, third judge; Elijah Eliot, wagon master. See *The Iowa Star* (Fort Des Moines), July 26, 1849.

⁷⁰ *The Iowa Star* (Fort Des Moines), July 26, 1849. The totals here given are slightly larger than the estimated totals printed by the Fairfield editor on April 20, 1849, which were between 50 and 60 persons and between 15 and 20 teams. Shortly after his arrival in the gold region, J. T. Hardin was drowned in the Feather River. — *The Miners' Express* (Dubuque), March 6, 1850.

⁷¹ See *Burlington Hawk-Eye*, February 1, 1849; *The Iowa Sentinel* (Fairfield), February 2, 1849; and *The Bloomington Herald*, January 27, 1849.

Palmer, former editor of the *Iowa Capitol Reporter*, corresponding secretary. After this meeting the following compact was presented:

We the undersigned, for the purpose of forming an association to emigrate to California, early in the ensuing spring, do hereby agree and solemnly pledge ourselves to, and with each other mutually to start, proceed, and emigrate thither together, at such time and by such route as may be deemed expedient, and also to aid, protect and defend each other to the utmost of our abilities, in the enjoyment of life, liberty and security in the privileges and possessions of each respectively, under any circumstances, both on the route to and after arrival in California; to the faithful performance of which compact, according to its letter and spirit, we do hereby severally pledge to each other our sacred honor.⁷²

The compact was signed by twenty-nine persons, among whom were two of Iowa's most prominent citizens, John J. Selman, "President of the late senate",⁷³ and Loring Wheeler, State Senator from Clinton and Scott counties.⁷⁴ With the organization thus completed, the company was ready to listen to a report on outfit. Palmer, Catlett, and G. W. Hess, who had been appointed at a previous meeting to draft a code of rules to insure uniformity in matters relating to teams and loadings, offered the following regulations:

Teams. — The teams of said expedition shall consist, as per resolution, of oxen and cows, which are required to be in good condition, and sound, not under four nor over seven years old. Each team shall be provided with at least one extra yoke, a full set of bows, rings, staples, and staple keys, and one full set of shoes fitted, add nails for shoeing.

Waggon. — To be of light make, staunch and new — or nearly so — with falling poles and wide deep and long beds.

⁷² *Keokuk Register*, February 8, 1849.

⁷³ *Keokuk Register*, February 8, 1849; *The Davenport Gazette*, February 15, 1849.

⁷⁴ *The Iowa Sentinel* (Fairfield), February 2, 1849.

Loading. — The loading for each waggon shall not exceed two thousand pounds for three, or twenty-six hundred pounds to four yoke of cattle, and no waggon unless unusually strong shall be loaded to exceed 2600 lbs.

Each member of the association before starting will be required to provide himself with the articles of provision, arms, amunition, implements and utensils below enumerated.

Sustenance. — Flour in sacks 200 lbs., bacon hams 150 lbs., dried meat 25 lbs., salt 50 lbs., tea, sugar and coffee, if accustomed to their use, 55 lbs., a few lbs. of pepper with such spices, dried fruit and other convenient articles of luxury as he may choose, also 10 lbs. of soap.

Arms and Amunition. — A good rifle, one revolving or two good holster pistols, a large knife and hatchet for belt, 10 lbs. of gunpowder, 30 lbs. of lead, and 5000 percussion caps.

Tools, etc. — One hand saw, two falling axes, one drawing knife, one 1 inch and one $\frac{1}{2}$ inch chisel, one 1 inch and $\frac{1}{2}$ inch auger, two gimblets large and small, and 3 lbs. of wrought nails to each waggon.

Tents bedding, etc. — Two large blankets, and 1 buffalo robe for each, and 1 tent cloth of linen drilling, with poles, etc. properly prepared for every four men.

Cooking utensils. — One tea kettle, one frying pan, one spider, one coffee pot, to each wagon, with tin ware, knives, forks, and spoons, two substantial well ironed buckets, or one bucket and one camp kettle which is preferable, a strong 5 gallon can for milk, and two large jars for water.

Time of starting. — Each member of the association is required to be in readiness to proceed at one day's notice at any time thereafter that a majority of the company may deem proper.

Note. — A slight deviation from the items of the list of provisions may be permitted, but their equivalents in substance and quality, will be required.

The estimated cost of the above outfit is \$300. The distance to be travelled is 2100 miles, the average day's travel 15 miles, and the probable time required to perform the journey 140 days.⁷⁵

The report,⁷⁶ with some amendments, was adopted unani-

⁷⁵ *Keokuk Register*, February 8, 1849.

⁷⁶ *Keokuk Register*, February 8, 1849.

mously. The size of the company was limited to one hundred persons and the time for departure set at April 1, 1849.⁷⁷

From here on the information becomes meagre. By March 1st the company is reported to have numbered over fifty persons,⁷⁸ but the final number and the actual date of departure are not indicated. On May 20th, however, when we pick them up again at St. Francis, the company is travelling under a new name, the "Sacramento Company", and is under the command of Loring Wheeler, of Clinton County, as colonel.⁷⁹

By June 1st they had crossed the Missouri River. On the evening of that day "the delegation from Iowa City and vicinity went into an organization with others, numbering in all, 49 wagons and about 150 men."⁸⁰ Early in the morning of June 2nd the train started west. Some time prior to June 16th, however, it was found expedient to divide. Most, though probably not all, of the Iowa City company now proceeded in a detachment including 29 wagons, 72 men, 4 women, and 3 children. The officers of the train were as follows: Loring Wheeler, Clinton County, colonel; C. C. Catlett, Iowa City, adjutant; D. H. T. Moss, Galena, Illinois, and G. W. Hess, Iowa City, captains; and A. R. Cotton and A. Bowen, sergeants.⁸¹

Lee County. — Of the emigration from Lee County, information exists only with regard to the company organized

⁷⁷ *The Iowa Sentinel* (Fairfield), February 2, 1849.

⁷⁸ *Keokuk Register*, March 1, 1849.

⁷⁹ *The Iowa Star* (Fort Des Moines), July 26, 1849.

⁸⁰ *The Iowa Star* (Fort Des Moines), July 26, October 12, 1849.

⁸¹ *The Iowa Star* (Fort Des Moines), July 26, 1849. It is not clear from C. C. Catlett's letter, which lists the officers, whether the officers mentioned commanded the train or merely the wing. It is probable, however, that they commanded the train.

at Keokuk. Even of this company very little is available concerning the personnel.

Active interest in the California migration came here, as elsewhere, early in January, 1849, as a result of the President's message. On Saturday evening, January 27th, in response to a public notice announcing a California meeting, a large audience assembled to exchange opinions relative to emigration in the spring. At this meeting Lyman E. Johnson was called to the chair and J. P. Reed was elected secretary. The discussion was opened by William C. Reed, who briefly stated the object of the meeting. Thereafter followed a talk by a Mr. Dixon who spoke about twenty minutes on the localities of placers. There is no particular reason to assume that Dixon's talk was unduly optimistic, yet when he had finished a Mr. Hayden arose, and in an amusing speech, attempted to show the absurdity of supposing that the gold region could enrich all instead of only a few.

Mr. Johnson, the chairman, who had apparently been growing impatient at the turn Mr. Hayden's talk had taken, presently arose and made what the local editor describes as the best digested and most energetic speech of the evening. He stated that in his opinion the object of the meeting was to compare notes relative to California, to ascertain who planned to go, and to make the necessary preparations for the migration. As for himself, he announced, he intended to go, and should like to see a party formed.⁸²

Although the meeting adjourned without having come to any definite decision, the determination on the part of many to hazard the emigration seems to have increased steadily. "The 'yellow fever' has reached the boiling heat", wrote the editor of the *Keokuk Register* on February 1, 1849.

⁸² *Keokuk Register*, February 1, 1849.

“Everybody talks of going to the land of promise . . . Our opinion is that a good many who are anxious to ‘see the elephant’, will be satisfied with a description from those who have had a sight.”

On February 13th, a second and more successful organization meeting was held. Lyman E. Johnson again occupied the chair, but a new secretary, J. Neely Johnson, was appointed. A company was now formed with articles of incorporation substantially similar to those of the Iowa-California compact. How many persons signed the company’s roster at this meeting is not indicated, but by February 22nd the association numbered thirty members. Regular meetings were scheduled each Tuesday evening.⁸³

The fact that business was transacted at the Tuesday evening meetings may be inferred from the following comment in the *Keokuk Weekly Dispatch* of March 1st. Some allowance may have to be made for the obvious humorous exaggeration of the editor.

The California boys . . . have resolved to fit up an extra team to be loaded with the necessary blacksmith’s and wagon maker’s tools, one of each trade belonging to the company, and agreeing to perform all the requisite labor in payment for the transportation of their tools. It is also to convey four swivels, to be used on *real* Native Americans, called Indians, in case of hostilities springing up, and on the 4th of July to fire a salute on the summit of the mountains, over a big dish of bean soup and a pile of buffalo tongues. They will have with them a gum elastic buoy, or float, for the purpose of taking their wagons and teams across streams, thus obviating the delay that would otherwise ensue. A chest of medicine is also to be taken, as joint stock, and a physician goes with it, so to get sick, get well, or die will be an easy job. Most of the company belonging to the Ancient Order of Free Masons, they are to take with them a Dispensation from the Grand Master of the Grand Lodge of Iowa, for a “Lodge” in that “Vest Wilderness,” so that their works other than that of digging gold,

⁸³ *Keokuk Register*, February 22, 1849.

may be seen and known of men. And further it is understood that the Rev. Mr. Longstreet will officiate as chaplain.

On Friday evening, March 9th, a special meeting of the Keokuk and California Emigrating Association, as the organization now called itself, assembled to transact important business. The nature of the business is not definitely indicated, but an editorial in the same issue of the *Keokuk Register* announcing the meeting, offers a probable clue.

"The California b'hoys are making preparation for the 'start.' The *first* day of April is the day. (By the way, not a bad one.) — Pots and porridge, — soap, sugar and sausage; beef, buckwheat cakes and bologna; wheat, whiskey and whetting appetites; gin, ginger-pop are some of the articles stowed away in the tail end of the wagon."⁸⁴

At this point, unfortunately, information concerning the Keokuk company practically ceases. The only remaining glimpse is furnished by one of the emigrants, William Head, in a letter dated April 27, 1849. This communication reveals that the Keokuk company had proceeded to St. Joseph, and had already crossed the Missouri River. At the time the letter was written it was in process of reorganization with other units.⁸⁵

Linn County. — The only information with regard to the emigration from this county is an estimate in the *Dubuque Miners' Express* of February 6, 1849, which places the number of emigrants at "some fifty or more".

Louisa County. — A company of thirteen men from Toolsborough was reported at St. Joseph on April 29, 1849. One of the men was accompanied by his family.⁸⁶

⁸⁴ *Keokuk Register*, March 8, 1849.

⁸⁵ *Keokuk Weekly Dispatch*, May 10, 1849.

⁸⁶ *Burlington Hawk-Eye*, May 17, 1849.

Mahaska County. — While it is probable that some emigrants from Mahaska County joined the California gold rush, no direct information has been discovered. A. B. Hulbert, in his *Forty-niners*, quotes a letter written by an emigrant at Independence, Missouri, to his wife at Bellefontaine, Iowa, but no record of such a town in Iowa exists. There was a town in Mahaska County called "Bell Fountain", and the probability is that the two names refer to the same place. The letter contains no information with regard to other emigrants in the party. It is reproduced here partly because of its possible relation to Mahaska County and partly because of its highly amusing character. According to Hulbert's narrative, "Robert", the writer of the letter, had celebrated his impending departure from civilization to the point where he had "forgotten the gentle art of penmanship". He was sober enough to know, however, that this was his last opportunity to write. In his perplexity he takes another drink, after which only dictation remains possible.

Mrs. Robert S——

Bellefontaine, Iowa

Dear Wife: Kiss the baby. Border line, all well. Kiss the baby. Independence, Missouri River, Kiss the baby. Had a good time. Last letter. Cross the river. Tell baby California. Dear wife all well. Tell Johnnie papa plenty of money California. Kiss the baby.

Robert

Muscatine County. — "Notwithstanding all our preaching against going to California", wrote the editor of the Bloomington (now Muscatine) *Herald*, on January 27, 1849, "a goodly number of our fellow citizens are taking the gold fever, and will probably be carried off by it in the spring." For the benefit of those who had determined to go, the editor called attention to the effort at Iowa City to

organize a State company and reprinted from the *Iowa City Republican*, the Iowa-California Compact, relating to outfit and union of interests. Only large parties, he argued, bound by compact to preserve each other's rights and interests, could successfully terminate so hazardous an undertaking. He therefore urged all persons who desired to attach themselves to the Iowa City company to write immediately.

Whether or not the editor's suggestions served to delay the organization at Muscatine by calling attention to the company forming at Iowa City, the fact remains that a full month elapsed before the local company was organized. By March 3rd, however, the Muscatine-California Emigrant Association had been formed and had adopted the comprehensive report previously presented.⁸⁷

A month later, on Thursday, April 5th, the Muscatine emigrants departed.⁸⁸ The company, consisting of perhaps seventeen persons, included among other locally prominent citizens, the Honorable S. C. Hastings, Chief Justice of the Iowa Supreme Court, and at least one woman, a Mrs. Richman.⁸⁹ John J. Selman of Muscatine, President of the Iowa Senate, joined the Iowa City company.

On April 30th, after a muddy trip with ox teams through southwestern Iowa, the company arrived at St. Joseph.⁹⁰ Here it reorganized with other units, forming a band of twenty wagons and about fifty men. This organization crossed the Missouri River on May 12th under the leader-

⁸⁷ *Iowa Democratic Enquirer* (Muscatine), March 3, 1849.

⁸⁸ For a list of the emigrants of Muscatine County, see the *Iowa Democratic Enquirer* (Muscatine), April 7 and June 30, 1849, and the *Muscatine Journal*, May 19, 1849.

⁸⁹ *Iowa Democratic Enquirer* (Muscatine), June 23, 1849.

⁹⁰ *Muscatine Journal*, May 19, 1849, and the *Iowa Democratic Enquirer* (Muscatine), May 24, 1849. Judge S. C. Hastings, who went to St. Joseph by boat, probably made arrangements for the arrival of the Muscatine teams. — *The Miners' Express* (Dubuque), May 30, 1849.

ship of T. C. Dorrell, but by May 29th it had split into two wings, the smaller of which included nine men from Bloomington.⁹¹ The other Bloomington emigrants were probably in the larger wing.

Polk County.—Information regarding the emigration from Polk County is meagre at best. The news files covering the first seven months of 1849 unfortunately no longer exist. Nevertheless, by collating the printed letters from the emigrants, it is possible to gather a few facts concerning the emigration from this county.

Of the organization of the Polk County emigrants before their departure, little information is available. It appears, however, that two separate companies were formed, or if only one, that it comprised groups from Fort Des Moines and from the county.⁹² The larger group numbered over twenty persons, all men, among whom was a physician, Doctor Lansdale.⁹³

The number of persons making up the smaller group is not indicated, but it comprised six wagons, one of which contained the wife and children of A. S. Howard. Accompanying this group also was Doctor McMillen⁹⁴—probably the H. W. McMillen listed below. At the Missouri River, the smaller group, remaining intact, joined other units. It

⁹¹ *Iowa Democratic Enquirer* (Muscatine), June 23 and June 30, 1849.

⁹² Some of the Polk County emigrants were apparently bound for Oregon.—See H. W. McMillen's letter, in *The Iowa Star* (Fort Des Moines), February 22, 1850.

⁹³ A letter from L. McHenry contains a list of the most of the members of this group. The following names appear: O. P. Welker, John Brewer, James Smith, J. S. Kemble, E. Rose, H. Cable, C. Goodenough, J. Frederick, B. Smith, Jacob Thrailkill, A. W. Blair, P. How, Dr. Lansdale, I. Cooper, E. Keeler, C. D. Reinking, H. Bowers.—See *The Iowa Star* (Fort Des Moines), November 9, 1849. One person from Des Moines, Ed Marvin, went by way of Panama.—*The Iowa Star* (Fort Des Moines), January 18, 1850.

⁹⁴ Letter of Austin S. Howard in *The Iowa Star* (Fort Des Moines), November 16, 1849.

left Council Bluffs on May 16th, in the largest organization to be formed there, a regiment made up of 64 wagons and a total of 232 persons. Of these, 210 were "soldiers reported fit to do duty", the remaining 22 presumably being women and children. The regiment was officered by J. M. Wright, captain; C. Bostwick, lieutenant; H. C. Hannon, guide; and H. W. McMillen — probably Dr. McMillen — of Des Moines, secretary.⁹⁵

Scott County. — Although the gold fever struck Scott County early in January, 1849, and appeared to be spreading with considerable rapidity, it soon became apparent that the attack would assume a relatively mild form.⁹⁶ Influenced, perhaps, by the organization of a California company at Rock Island at a meeting on the evening of January 5th, prospective emigrants from Scott County called a meeting at Davenport on Monday evening, January 8th. According to the local editor, "the matter of emigration was talked over pretty extensively, but resulted . . . in nothing decisive."⁹⁷

While it seems probable that further California meetings were held in Davenport or elsewhere in Scott County between January and March, 1849, none is reported. One individual, William Eldridge, deciding not to wait for the overland emigration, left Davenport on January 29th for New Orleans to make the trip by water. Eldridge was the first individual to leave Scott County for the gold fields.⁹⁸ From letters of the Scott County emigrants *en route* it appears that an effort to organize a single company had

⁹⁵ Letter from H. W. McMillen in *The Iowa Star* (Fort Des Moines), February 22, 1850.

⁹⁶ *The Davenport Gazette*, January 4, 1849.

⁹⁷ *The Davenport Gazette*, January 11, 1849.

⁹⁸ *The Davenport Gazette*, May 3, 1849. For a note on Eldridge's experiences on the way to California see the section, "Iowans En Route", pp. 360, 361.

either been abandoned or never seriously attempted, for we find the gold-seekers from Scott County organized in small and separate units.

The first overlanders to leave were probably two men named Cheever and Frye. Whether they travelled alone or in company with other emigrants from the county is not recorded. They went by way of St. Joseph and on May 20th were reported a day's journey in advance of a second party from Scott County.⁹⁹

Of this second party, probably the chief group of Scott County emigrants, information is more complete. It was composed of eight persons with accommodations in three wagons drawn by ox teams. It had left Davenport on Monday, April 9th.¹⁰⁰ This company of men, among whom was a physician, Doctor Brown, proceeded to St. Joseph and there reorganized with other units into a company of fifty-seven men. They left the frontier about May 12th.¹⁰¹ On June 14th, in sight of the Rockies, the three Davenport teams were reported as still together and getting along well.¹⁰²

Altogether, about twenty persons from Scott County joined the gold rush.¹⁰³

Van Buren County. — On April 29, 1849, a company of emigrants from Farmington was reported at St. Joseph. It numbered 22 men.¹⁰⁴ A company was also organized, it seems at Bonaparte. On July 13th, this company was reported to be out of Salt Lake and well in advance of the

⁹⁹ *The Davenport Gazette*, June 21, 1849.

¹⁰⁰ *The Davenport Gazette*, April 12, 1849, and January 10, 1850.

¹⁰¹ *The Davenport Gazette*, June 21, 1849.

¹⁰² *The Davenport Gazette*, August 16, 1849.

¹⁰³ *The Davenport Gazette*, April 12, 1849.

¹⁰⁴ *Burlington Hawk-Eye*, May 17, 1849.

main emigration. The number of emigrants was not indicated.¹⁰⁵

IOWA TRAILS TO THE MISSOURI

Having chosen their point of departure on the Missouri River, the Iowa companies had yet to choose the best trails to arrive at these points. Those heading for the Bluffs could expect to encounter fairly well defined roads into Fort Des Moines, but beyond, in the intervening one hundred and fifty miles of mostly virgin country, anything could be expected. Trails to St. Joseph and Independence were better defined, since these, for the most part, traversed settled country. A wise choice was imperative. The wagons were large and heavily loaded.¹⁰⁶ As a result of spring rains and thaws, the roads were muddy. The streams were running full, and some of the smaller ones had to be forded. Even ferry points had to be chosen with care, for the ponderous wagons required exceptionally sturdy river equipment and experienced manipulation. Then, too, some trails offered better camping facilities with respect to water, feed, and timber.

To lighten the burden of travel across Iowa and thus to save the teams at the very start, many of the emigrants starting from points along the Mississippi River and heading for St. Joseph or other points along the Missouri, sent their loading by boat. A few light-draft passenger steamers were making the run for California emigrants.¹⁰⁷

¹⁰⁵ *The Iowa Star* (Fort Des Moines), November 2, 1849.

¹⁰⁶ The loading ordinarily weighed between two and three thousand pounds. (See outfit reports for Iowa City and Muscatine companies, pp. 342-345, 349-351.) The total load, including wagon, must have approximated two tons.

¹⁰⁷ While some Iowans may have chosen Independence as a frontier point, most of them went by way of St. Joseph or Council Bluffs. One boat, at least, the *Uncle Toby*, was advertised as leaving Bloomington (Muscatine) direct for Council Bluffs on April 9, 1849. There was to be no reshipping. — *Iowa Democratic Enquirer* (Muscatine), March 31, 1849.

Companies originating in northeastern Iowa and heading for Council Bluffs ordinarily passed through Iowa City. Here was a good ferry and a choice of two roads to the Missouri. The upper, or northern route, as it was called, led from Iowa City to Trading House, 25 Miles; to Snook's Grove (Bob Hutchinson's residence), 24 miles; to Newton, 34 miles; to Fort Des Moines, 30 miles.¹⁰⁸ At Fort Des Moines, where the emigrant could expect to strike poor trails to the river, he found a new but excellent road called Clark's Road.¹⁰⁹ Out of Des Moines it led to Camp Luce, on Badger Creek, 12 miles; to Brown's Ford on North River, 6 miles; to Happy Grove, 7 miles; to Marvin's Grove, on the head of Cedar Creek, 6 miles; to Tucker's Grove, 10 miles; to Allen's Grove, at Middle River crossing, 8 miles; to the east fork of the Nodaway, 15 miles; to the west branch of the Nodaway, 12 miles; to Campbell's Grove, 14 miles; to East Nishnabotony, 13 miles; to Indian Creek, 1 mile; to Mount Scott, 17 miles; to West Nishnabotony, 5 miles; to Silver Creek, 10 miles; to Keg Creek, 8 miles. Here the road forked at the corner of a sod fence, the right fork leading to the principal Mormon town of Kanessville, and the left fork to Trader's Point 8 miles distant.¹¹⁰

¹⁰⁸ *The Iowa Star* (Fort Des Moines), August 31, 1849.

¹⁰⁹ This road was apparently named after Doctor H. M. Clark of Andrew, Iowa, who with Townsend, Wheeling, and others operated a ferry across the Missouri River at St. Francis. The road led, of course, from Des Moines directly to his ferry. For an advertisement of the ferry see *The Iowa Star* (Fort Des Moines), August 31, 1849; for the identity of Doctor H. M. Clark, see letter from Jonathan Clark in the *Western Democrat* (Andrew), March 1, 1850, and an editorial summary of a letter from James C. Mitchell in the *Western Democrat* (Andrew), June 14, 1850.

¹¹⁰ *The Iowa Star* (Fort Des Moines), July 26, 1849. Some of the Du-buque teams, however, crossed the Des Moines River at Martin's Ferry, below Fort Des Moines, struck the Mormon trail at Pisgah, and proceeded on what was probably the Eddyville to Kanessville road.—*The Miners' Express* (Du-buque), June 20, 1849.

A member of the Hawk-Eye company described the road as follows:

After crossing the North river at Brown's ford, the road runs on a fine divide between Middle river and Cedar Creek to Marvin's Grove, — water and timber plenty; thence to Tucker's Grove on Middle river, half a mile from the divide, without slough, timber in sight on each side of the road, to Allen's Grove, at the Badger, bottom or ridge to suit the traveller; to East Nodaway, ridge road; to West Nodaway, ridge; Campbell's Grove, stream bridged — this is a delightful spot — high land to Nishnabotony. In fact, all concur in saying that this is the best ground for a road in the state, and the only good road for all northern emigrants . . . it is fifty miles nearer than any other to the Missouri river, and much the best. Good teams can easily make the distance in six days, as most of us have done.¹¹¹

The lower road struck southwest and crossed the Des Moines River at Eddyville. From here it led to Clark's Point, 13 miles; to Watson's, 20 miles; to Pisgah, 40 miles; to Ferrin's Ferry, at the junction of the northern and southern roads, 60 miles. This road, however, was probably not taken by North Iowa emigrants to any appreciable extent, for the upper road required only twelve days to the Missouri River from Iowa City, while the lower road required fourteen days from Eddyville.¹¹²

Companies originating in east central Iowa and heading for St. Joseph, as for example the Muscatine company, passed through Fredonia, Brighton, Iowaville, Collins's Ferry on the Chariton, thence across the Missouri line to Gay's Mills on the Grand River, to Rochester on the Little Platte, and so to St. Joseph.

¹¹¹ *The Iowa Star* (Fort Des Moines), July 26, 1849.

¹¹² *The Iowa Star* (Fort Des Moines), August 31, 1849. Clark's Point was in the northeastern corner of Monroe County; Watson's in the central part of Lucas County; Pisgah, the old Mormon town, in Union County, about one mile north of the present town of Talmage; Ferrin's Ferry at the old Indian village, about one mile east of the present town of Lewis, in Cass County.

The Muscatine company made this trip "between showers and under the worst roads possible". At Iowa-ville, according to a member of the company, "the ferryman actually charged an exorbitant price for ferrying, made every man ferry himself, and laughed at our situation, and seemed to enjoy it very much. Thus with the rest of the route, except at Collin's Ferry on the Chariton."¹¹³

Companies originating in southeast Iowa probably chose St. Joseph as a point of departure. Those who went north found the Eddyville crossing convenient. Another trail leading north out of Keokuk and keeping to the divide between the Des Moines and the Skunk rivers all the way to Fort Des Moines may also have been used. By the summer of 1849 this road was especially recommended by Samuel R. Curtis of Keokuk. In a letter to the *Des Moines Valley Whig and Register*, he claimed that so many routes had been proposed north and south of Keokuk that people paid little attention to the proposals. He then proceeded to show that South Pass, which received nine-tenths of the overland emigrants, lay on a line with Davenport, Iowa, which he conceded to be a good crossing. "But by crossing the Mississippi at Keokuk, you strike the ridge of land which is now the great emigrant and wagon road west of the Mississippi. This ridge is the best natural highway in the world, being drained on the north by the Skunk River and on the south by the Des Moines."¹¹⁴

By these highways, to use Samuel R. Curtis's euphemistic term, the California companies crossed the State. Iowa suddenly, and for a number of years to follow, became deeply road conscious.¹¹⁵

¹¹³ *Iowa Democratic Enquirer* (Muscatine), May 26, 1849.

¹¹⁴ Reprinted in *The Iowa Star* (Fort Des Moines), September 28, 1849.

¹¹⁵ The struggle for emigrant trade was also being waged on the Missouri River. In the summer of 1849, Council Bluffs was vigorously campaigning to

IOWANS EN ROUTE

The story of the Iowa forty-niners *en route* to California differs so little in essential particulars from that of the forty-niners generally that a detailed recital, even so far as one were possible, need not be attempted. A few of the experiences of the Iowa emigrants, however, seem worthy of comment, partly because of their typical nature and partly because of their severity. Thus the story of W. H. Merritt of Dubuque, one of the first Iowans to join the rush, is presented chiefly for what probably were typical experiences of the early emigrants who chose the water route by way of New Orleans and the Isthmus.

Merritt and three others left Dubuque on January 1, 1849. In order to make a quick trip, they decided to go by way of New Orleans, despite the fact that the cholera had broken out along the whole lower river. Details of the trip to St. Louis, Merritt does not record, but since it was winter and the river was frozen, it may be presumed that his party traveled by wagon or stage. At St. Louis, learning that the cholera was particularly severe at New Orleans, they remained a week and then took passage on a boat for the South. Unfortunately, the ice was still in the river, and just above Cairo it jammed up so that the boat could not go on. Merritt and his party got off, hired a man with a cart and two yoke of oxen to haul their baggage into Cairo,

capture crossing trade. Des Moines, recognizing its community of interest with Council Bluffs, widely advertised the advantages of the Bluff's crossing. *The Iowa Star* (Fort Des Moines), August 31, 1849, argued that "Besides being over 300 miles nearer than Independence, it saves the difficult and dangerous crossings of the two fords of the Kansas River, the Platte River, and others, and insures the protection of the United States troops. . . .

"The roads to this ferry from the various crossings of the Mississippi . . . are good, well supplied with wood and water, . . . and at St. Francis and Council Bluffs all articles . . . that will be needed in crossing the mountains, can be had on reasonable terms, as well as experienced guides and mountaineers; in fact, it is designed to be prepared with such articles as the traveller may need to add to his comfort and safety."

where they hoped to catch another boat. Arrived at Cairo, the ox cart driver demanded a dollar from each in the party instead of the fifty cents previously agreed upon. The argument which ensued ended when the Dubuque men, angered over the insolence of the driver, rushed the wagon, tumbled the driver over the side, tossed him fifty cents each, and took off their baggage.

At Cairo they again boarded a boat and after a pleasant trip of six days arrived at New Orleans on January 25, 1849.¹¹⁶ Two days later, by good fortune, they were able to leave the pestilential city on board a small vessel carrying seventy-four passengers, all bound for the gold mines. A storm on the Gulf which tossed them about for a week delayed their arrival at Chagres until February 20th.¹¹⁷ How long they remained there is not known, but the trip up the Chagres River to Gorgona, a distance of forty-five miles, took three days. At Gorgona they spent a week. Here they apparently sat down to take stock of their situation and to check expenses. They had brought with them, from New Orleans probably, a surplus of provisions which they had hoped to dispose of in California at speculative prices. They now discovered that the freight charges on their loadings were running very high; in fact, from Panama to California these charges would amount to twice the original cost of the goods. They decided to sell, but the fact that hundreds of others were also attempting to dispose of their goods, sent the price of commodities so low that the Dubuque men lost almost their entire investment.

By March 9th, Merritt and his party had arrived at Panama. On the fifteenth they were still waiting for a boat to California but expected very soon to get away on a sailboat on which they had bargained for passage at two hun-

¹¹⁶ *The Miners' Express* (Dubuque), April 17, 1849.

¹¹⁷ *The Miners' Express* (Dubuque), May 1, 1849.

dred dollars each.¹¹⁸ For some reason, however, they missed their passage and on March 29th were still in Panama. The tropical sun, the bad water and housing, the uncalculated expense of the journey, the weary delays, and the utter uncertainty of getting away had by this time drained all the enthusiasm from Merritt's letters. Discouraged and ill, but still determined to go on, he writes to friends in Dubuque, "Had we taken more time for reflection and instead of running into the current of universal excitement . . . provided means for an early start by land, we should not have been swept 'Crusoe' like upon this barren rock to while away weeks and months in dreaming about the gold mines of California, without the possibility of reaching them."¹¹⁹ It was not until many weeks later, on May 3rd, that Merritt left Panama. Of his trip to San Francisco and of his arrival there he does not speak in later letters. It is extremely doubtful, however, that he arrived there before June 1st, making his entire trip at least six months long.

That the difficulties of the water route were not necessarily over once the emigrants had embarked at Panama is shown by the experience of William Eldridge, a Scott County emigrant who had left Davenport on January 29, 1849. Eldridge had arrived at Chagres on February 27th, and on March 18th had sailed from Panama on the brig *Phoenix*. But it was July 4th before he saw San Francisco. The following extract from his letter explains the difficulties he encountered:

After the longest and most tedious and long suffering passage recorded in history, I arrived at this place (San Francisco), being within a few days of four months, after leaving Rialgo.

We encountered a tremendous storm and got blown out to sea.

¹¹⁸ *The Miners' Express* (Dubuque), May 8, 1849.

¹¹⁹ *The Miners' Express* (Dubuque), June 20, 1849.

Lost several of our most important sails and spars, consequently were so crippled that we could scarcely make any headway at all. . . . We were over forty days without bread and not a pound of flour on board. We lived thirty days on a pint of mush for breakfast, no dinner, and a single slap jack for supper made of rice and corn ground together in a coffee mill.¹²⁰

While the Iowans who had ventured upon the water route were making their way up the coast of Mexico and California, the overlanders were following each other in a long train across the plains. Starting out from the Missouri in large units and organized in military fashion as a protection against Indians and other hazards, they soon discovered, especially after the confluence of the trains from the crossings at Independence and St. Joseph, with those from Council Bluffs, that the congested conditions of the road and the camps made a division into smaller groups expedient. Other alleged causes for making the divisions were the quarrels that arose among the emigrants.

That discord marred the amity of at least one of the Iowa companies is evident from the letter of H. H. Downer, a member of the Iowa City company. This was written on July 28th, after the company had been on the road nearly two and a half months. An extract of the letter follows: "It seems, this trip, instead of being calculated to bring about warm feelings, among acquaintances, and stronger ties of friendship, has an opposite tendency, for every mess I have seen or heard of, has more or less disturbance — they become disgusted with themselves, owing perhaps, to the perplexities attending an excursion of this kind, especially to those unacquainted with a frontier life. It furnishes the materials for a person to become perfect in the study of human nature."¹²¹ It must be added, however,

¹²⁰ *The Davenport Gazette*, December 20, 1849.

¹²¹ *The Iowa Star* (Fort Des Moines), October 12, 1849. The organization to which the Iowa City company belonged appears to have suffered strife al-

that the printed letters of the emigrants and the editorials, so far as these still exist for the emigration of 1849, reflect amazingly few of such quarrels. On the other hand, instances of splendid self-sacrifice and mutual aid abound.

It was beyond Salt Lake and Fort Hall that the real suffering of the overlanders began. Especially terrifying was the region in the vicinity of the Humboldt Sink, with stretches of desert varying from forty to sixty miles in length, on which thousands of oxen fell dead under the yoke and wagons had to be abandoned and the loadings pitched out along the road. And beyond the desert were the Sierras, a hazard no less terrifying to the now destitute emigrants, especially when snow threatened to fill the mountain passes.

Jonathan Clark of Jackson County, in a letter to his brother at Maquoketa, gave the following vivid account of what many Iowans suffered along the trail.

I lost on the desert almost everything. I left my wagon, and doubled teams with another man, throwing to the four winds a great portion of my loading; lost a yoke of oxen and broke down the rest — but I got thro' with life and health . . . I with thousands of others were duped by a set of scamps who had opened a new road from the north bend of Mary's river, crossing the summit of the Sierra Nevada on Applegate's Oregon route, striking the Sacramento Valley at Lawson's ranch, three hundred miles from the bay of San Francisco. Crossing the desert on that route the destruction of property was immense. Many lost their all. Families were left destitute, many got out of provisions, and many would have starved, had it not been for the aid sent out by Uncle Sam. The emigrants supposed this route to be a nearer and better one. Instead of that it was 350 miles further.

most from the time it left the frontier. A letter by C. C. Catlett of Iowa City, an officer in the organization, reports on June 16th, after they had been out fifteen days, that they are "all well, in good spirits, and tolerably good natured, though we have been obliged to expel one man (R. W. Webster) from our company, and turn him loose upon the plains, for insubordination." — *The Iowa Star* (Fort Des Moines), July 26, 1849.

I made my escape from the snow by about six hours' travel. Many were caught in the snow three feet deep, and left everything, making their way out on foot, and some, I have been informed are attempting to winter in the mountains.¹²²

The most detailed story of suffering on the part of a company of Iowans, however, is that of the Marshall company from Jackson County. This company had left home in the spring of 1849 and for over a year were not heard from. The painful suspense which pervaded the whole community was finally relieved with the arrival of the following letter from De Witt Day, probably of Andrew, Iowa:

We got there (Salt Lake) on the 20th day of August last. Weather dry and warm. The Mormons said we were too late to go through on the northern route, that there was a good road through to Pueblo, 800 miles south of San Francisco. There was a company made up of 104 teams who paid the Mormon Guide \$1000 to pilot us through. The guide said that 60 days' provisions would be plenty to take us through to the Spanish settlements. We started from Salt Lake City the 1st of Sept. The company consisted of 7 divisions, 15 wagons each; we traveled together about 5 or 6 weeks and then split on account of feed being very scarce. There had never been a wagon through here before, and we had a road to make. We struck the Spanish trail at Little Salt Lake one hundred miles south of Big Salt Lake, one of the most horrible regions that white folks ever saw; mountains and deserts from Little Salt Lake for 700 or 800 miles through to settlements. Before we got half way through the guide had but seven wagons with him. Great scarcity of provisions; some were out of flour, and but one wagon had any pork. I have not seen any for months. We had to pass over deserts from 40 to 100 miles in length, without grass or water; we drove 4 days and 4 nights in succession without grass or water for teams; carried water for ourselves; cattle dropped dead in the yoke, from 10 to 40 head a day!

Some men started for the settlements to get provisions for the rest, but found the distance greater than they expected. They got out of provisions, killed their dog and ate him, their horse gave out, they killed him and jerked his meat and made out to get

¹²² *The Miners' Express* (Dubuque), February 13, 1850.

through. Those who remained had plenty of dead oxen to eat; we got along pretty well. They were very poor, not a particle of marrow in their bones. Not half of the wagons or cattle got through. Sometimes we had to leave 5 or 6 wagons in a place and double teams in order to get along.¹²³

Fearing further exposure to the desperate hazards of the Spanish Trail and relying upon a kind Providence to get them through, a company of eleven men left the train at the rim of the Great Salt Lake basin to pack through on a course directly west over the mountains. Two of the eleven got through alive, one of whom was Mr. Pinney, apparently of Jackson County.¹²⁴ Another group to split from the train and take a westerly course to the mines was a company referred to as "Preacher Brier and company". How many of this group, in addition to Brier, were from Jackson County is not indicated. "After traveling two weeks with their wagons they left them and packed on their oxen, wandered through the mountains, and came out five weeks after us. — They had no bread for two months, nothing but dead beef as we term it, without salt. Four of that company died for the want of food; they were all very poor, weak and pale."¹²⁵

The main party, continuing southward, crossed the Sierras about January 1, 1850. Some came out as far south as San Diego, others at Santa Barbara, the larger group at Los Angeles in the latter part of February in a perfectly destitute condition, on foot, and without provisions of any kind "save the flesh cut from the carcasses of animals which died on the way."¹²⁶

While hardships seem to have been the common lot of most of the emigrants in the region beyond Salt Lake, it is

¹²³ *Western Democrat* (Andrew), June 7, 1850.

¹²⁴ *Western Democrat* (Andrew), May 24, 1850.

¹²⁵ *Western Democrat* (Andrew), June 7, 1850.

¹²⁶ *Western Democrat* (Andrew), May 24, 1850.

not true that all Iowans suffered as intensely as indicated by the experiences just narrated. The Brooks company of Burlington, as we have seen, made one of the fastest trips on record, arriving at the diggings 98 days out of St. Joseph. The Davenport company was also fortunate. G. W. Lambert, a member of the company, in a letter from Sacramento City, dated October 2, 1849, reported: "We have all of us who started from Davenport, got through safe, with our two wagons We six have messed together and traveled together from Davenport to Sacramento City"

"We have not lost an ox or broke a wagon since we left home, or any of us had serious sickness on the route."¹²⁷

That Lambert was well aware of widespread suffering in other emigrant groups, however, is evident, for after pointing out the almost intolerable situations of others, he cried, "God save the families of women and children that are yet behind."

IMMIGRATION TO IOWA

When news of the immense emigration to California reached Iowa, it was predicted by many in the State that the settlement of Iowa would cease until the gold mania had subsided.¹²⁸ Coupled with these predictions were the fears that Iowa would suffer a serious reduction of population as a consequence of the emigration from her own borders and that, as a result, her "rich and fertile prairies so easily converted into productive fields must lay yet a few years longer in all their primitive and wild romantic luxuriance."¹²⁹

It soon became apparent, however, that these fears were

¹²⁷ *The Davenport Gazette*, January 10, 1850.

¹²⁸ *The Davenport Gazette*, September 20, 1849; *The Miners' Express* (Dubuque), May 16, 1849; and *Muscatine Journal*, July 23, 1849.

¹²⁹ *The Miners' Express* (Dubuque), April 17, 1849.

unwarranted, and that instead of suffering a loss of population, the State was about to receive an immigration of unprecedented size. Some of the newcomers were California emigrants from the more eastern States who had grown weary of the hardships of the journey and, attracted by the fertility of the Iowa soil, determined to settle here.¹³⁰

By far the larger number, however, were emigrants who came for the express purpose of making their homes in Iowa. All through the spring and summer of 1849 these emigrants came pouring in, some by boat up the Mississippi, a much larger number by covered wagon, making crossings at all the ferry points along the river from Dubuque to Keokuk. "Thousands are leaving the sickly climate of Illinois, Indiana, Michigan and Missouri", wrote the elated editor of the Dubuque *Miners' Express*, "to seek a home of comfort, health and happiness upon the beautiful prairies of Iowa."¹³¹ At Burlington alone a total of approximately fifteen hundred wagons and eight thousand settlers were reported to have crossed the Mississippi River ferry.¹³²

Whether the count at Burlington and at other Mississippi crossings carefully discriminated between settlers and California-bound emigrants is, of course, problematical. The fact remains, that by late October the estimates of immigration into the State of Iowa ranged from thirty to fifty thousand persons, thus exceeding by far the highest calculations and hopes.¹³³

¹³⁰ *Iowa Democratic Enquirer* (Muscatine), April 21, 1849; *The Davenport Gazette*, September 20, 1849.

¹³¹ *The Miners' Express* (Dubuque), May 16, 1849. The destination of most of these settlers, according to the Dubuque editor, was either north Iowa or the Valley of the Des Moines River.

¹³² *The Iowa Star* (Fort Des Moines), October 26, 1849.

¹³³ *The Davenport Gazette*, October 25, 1849.

COST OF EMIGRATION

An estimate of the cost of outfitting, including only such supplies and equipment as were considered indispensable for the long and arduous journey to the gold coast, has already been presented in the report on outfit of the Iowa City company. In the judgment of the authors of that report, the expense for each emigrant would amount to approximately three hundred dollars. While it may be questioned that all Iowa companies measured up to the requirements of the Iowa City company in the matter of outfit, the probability is that most of them did. Certainly it is safe to assume that the estimate reflected a minimum rather than a maximum cost, and that in a great number of instances the value of the loading far exceeded this estimate.¹³⁴

Added to the expense of outfitting was the amount of ready cash each emigrant considered prudent to carry with him. Beginning his march fully equipped at the very edge of the frontier, the Iowa overlander probably saw little need for carrying large sums, but some cash was necessary to defray the cost of ferriage and feed, particularly on the trip to the Missouri River, to hire guides when necessary,

¹³⁴ *The Davenport Gazette*, March 7, 1850; *Iowa Democratic Enquirer* (Muscatine), March 3, 1849. In the spring of 1850, when the second rush was getting under way in Johnson County, the investment of each emigrant was estimated at \$350.00.—*The Iowa Star* (Fort Des Moines), April 5, 1850. Another estimate is the following from the *Western Democrat* (Andrew), March 1, 1850: two good mules, at \$65.00 each, \$130.00; one riding saddle, \$10.00; one pack saddle, \$8.00; one riding bridle, \$2.50; two halters, \$2.00; two piquet ropes with iron pins, \$2.00; three good blankets, \$18.00; one short rifle, \$10.00; two rifle barrel pistols, \$12.00; one knife, scabbard and belt, \$2.50; seventy pounds of flour, \$2.80; thirty-five pounds of bacon, \$1.50; twenty-five pounds of sugar, \$1.60; ten pounds of coffee, \$1.00; one pound of tea, \$1.00; camp furniture and sundries, such as mustard, pepper, salt, etc., \$5.00. Total \$208.90. It will be observed, however, that the outfit here reported is a pack-mule outfit, lightly loaded. On the assumption that commodity prices in Iowa were fairly stable during the period between the rushes of 1849 and 1850, the estimate of \$300.00 for the heavily loaded wagon outfits of 1849 appears reasonable.

and to meet general emergencies. While no reliable estimate of the average amount of money carried by individual emigrants can be derived from the amount known to have been carried by a single company, it is nevertheless worth noting that the company at Mount Pleasant, composed of eleven men, started with three thousand dollars in cash, and spent it on their trip to California.

There is no reason to believe that the above figure, which represents an average of approximately \$273 for each emigrant, is high. Iowans were well aware that commodity prices in California were exorbitant, and must have anticipated the probable necessity of making at least some purchases upon their arrival there. If we accept the figure, therefore, as a fair average, it becomes evident that every prospective Iowa gold-seeker was faced with the necessity of investing approximately six hundred dollars in the venture, to say nothing of the loss of income. The figure may have some bearing on the fact that in the rush of forty-nine so many of the emigrants were men of local prominence.

An estimate of the total emigration from the State of Iowa, made on April 17, 1849, at a date, therefore, when the editors could get a fairly reliable check on the numbers emigrating from the various communities, placed the number at from 1000 to 1200 persons. Accepting the more conservative figure as a basis for computation and assuming that each individual invested six hundred dollars in the venture, the rush to California in the spring of forty-nine called for a cash outlay of at least six hundred thousand dollars; and if to this is added the loss of income, the gold rush cost Iowans well over a million.

SUCSESSES OF THE IOWANS IN CALIFORNIA

To generalize about the successes of the Iowa gold-seekers in California is extremely difficult. For obvious rea-

sons, the facts upon which a warranted generalization might be based are too largely inaccessible. The printed letters of the emigrants, which furnish the most direct evidence available on the subject, are inadequate, for they represent only a very small proportion of the total number of letters written. In many of the letters the reported earnings are plainly based upon mere rumor. In others it is difficult to determine whether the amounts mentioned represent net or gross earnings.

A further complication arises from the fact that some editors, especially in the spring of 1850, when a new emigration to the gold fields was getting under way, refrained from publishing many of the "exaggerated tales afloat, of the fortunes made in gold mining," fearing that by printing them they might give impetus to a yet greater emigration.¹³⁵

It is extremely doubtful, however, from such reports as are given, whether the Iowa forty-niners who returned home brought with them, on the whole, sufficient wealth to cover their expenses in the venture. Tending to corroborate this conclusion is the statement of a Davenport editor in connection with the return of Mr. C. Burgoon, a forty-niner from Allen's Grove in Scott County. Burgoon, after an absence of twenty months, had reached home with a net earning of \$1500. The editor, computing this to be about \$75 a month, remarks that Burgoon, even at this wage, "was more fortunate than many another one who has returned in safety."¹³⁶

In order to show the extent and the nature of some of the successes reported in the letters of the emigrants and in the editorials of the local newspapers, the following list of individual items is offered:

¹³⁵ *Western Democrat* (Andrew), April 5, 1850.

¹³⁶ *The Davenport Gazette*, December 11, 1850.

Noah Reeder, Jackson County, returned home with gold nuggets, one of which weighs $5\frac{1}{2}$ ounces.¹³⁷

“Mr. Pope from near Sabula has just returned with, (says madame rumor) about \$75,000.”¹³⁸

Mr. E. Doe “brings with him 3 or 4 thousand dollars. This is we believe, the reward of the digging, as he engaged in no speculation while there.”¹³⁹

Doctor Brown, Davenport, “has been very successful with all his patients and his name stands very high as a physician.” No earnings at the gold mines reported.¹⁴⁰

I. Thomas, together with Emory and Thompson, all from Allen’s Grove, made \$300 the first four days, and the next week divided 2 pounds. “This week we made only a \$100 each.”¹⁴¹

Presley Dunlap, Burlington, arrived in California on August 17. The next day he took a job in a store at \$300 the month and board. Later he was made sheriff at Sacramento City. “The fees are fair — 1 oz. for serving a summons, \$10 for subpoena, \$2 a mile for travel, and 10 per cent on all collections.”¹⁴²

Mr. Klauberg, Burlington, worked two weeks and got \$240. C. H. Jordan got \$400 in two weeks. He hoped to send \$1000 home by the November mail.¹⁴³

The two McCulloughs and Mr. Starkie, Burlington, returned with about \$3700 each.

John S. David, also of Burlington, was reported “mak-

¹³⁷ *Western Democrat* (Andrew), January 25, 1850.

¹³⁸ *Western Democrat* (Andrew), April 5, 1850.

¹³⁹ *Western Democrat* (Andrew), June 14, 1850.

¹⁴⁰ *The Davenport Gazette*, February 14, 1850.

¹⁴¹ *The Davenport Gazette*, February 7, 1850.

¹⁴² *Burlington Hawk-Eye*, January 3, 1850.

¹⁴³ *Burlington Hawk-Eye*, November 29, 1849.

ing money fast in Sacramento City in rents and speculation."¹⁴⁴

The Honorable S. C. Hastings, Muscatine, became owner and manager of the Eagle theatre in Sacramento. Later he was reported in the brokerage business. "He is going it strong . . . and has already made a fortune."¹⁴⁵

Jacob Thrailkill, Fort Des Moines, cleared \$1100 by April 9, 1850.¹⁴⁶

J. M. Douglass, Dubuque County, found that the California gold mines "are a perfect farce . . . My advise to you is, not to come by any means, if you are making 10 cents per day where you are, for many are not doing that here."¹⁴⁷

John Coffee, Dubuque County, reported earnings from 10 to 25 dollars a day. His wife and daughter made from 12 to 18 dollars a day taking in washing.¹⁴⁸

Mr. Dixon, of Colesburg, "returned with \$3600, all solid."¹⁴⁹

It is evident from the list just given that the success of many of the Iowans was in pursuits other than digging for gold. Professional and business men soon discovered, apparently, that a resumption of their previous occupations was more lucrative than mining, and infinitely less strenuous. While it might appear from the items showing large

¹⁴⁴ *The Davenport Gazette*, March 7, 1850.

¹⁴⁵ *Western Democrat* (Andrew), April 8, 1850; *The Davenport Gazette*, January 21, 1850. In California, Hastings served as Attorney General and later as Chief Justice of the Supreme Court.—Gue's *History of Iowa*, Vol. IV, p. 121.

¹⁴⁶ *The Iowa Star* (Fort Des Moines), June 14, 1850.

¹⁴⁷ *The Miners' Express* (Dubuque), October 17, 1849.

¹⁴⁸ *The Miners' Express* (Dubuque), January 16, 1850.

¹⁴⁹ *The Miners' Express* (Dubuque), February 13, 1850.

daily earnings at the mines that gold digging was extremely profitable, it must be remembered that the exorbitant cost of provisions on the one hand, and inclement weather, sickness, and other unfavorable factors on the other, seriously reduced, over a period of time, the average net earnings of the miners.

When it is furthermore pointed out that the list above includes practically all the larger sums which Iowa forty-niners were reported to have brought back, and that it definitely reflects the earnings of those who were considered successful, one must conclude that even the successful ones, with few exceptions, returned home with rather modest sums for all their hardships and pains. Many, of course, brought nothing home.

IOWA DEATHS IN THE GOLD RUSH

The following list of deaths among the Iowa forty-niners was made up from the printed letters of the emigrants. That it falls considerably short of a complete list is evident from the fact that relatively few of these letters have been preserved. One may assume, furthermore, that in consequence of the disorganization and confusion which the companies suffered, especially when they reached the western deserts, some of the Iowans who were reported "not yet in" or "unaccounted for" were, in fact, dead. Whatever the total number may have been, it is worthy of note that the editor of the *Davenport Gazette*, who could check the number of deaths in the exchange papers that came to his office, regarded Iowa's share among the dead as distinctly large.¹⁵⁰

Lt. Beckett, Des Moines County. — *The Davenport Gazette*, January 3, 1850.

¹⁵⁰ *The Davenport Gazette*, March 7, 1850.

Charles Blake, Dubuque County. — *The Miners' Express* (Dubuque), February 6, 1850.

Mrs. F. A. Chenoweth, Maquoketa, died of cholera at Fort Laramie. — *The Davenport Gazette*, September 6, 1849.

Augustus Coriell, Dubuque County, killed at the mines by explosion when a companion threw a lighted cigar butt among the powder kegs. — *The Miners' Express* (Dubuque), January 2, 1850.

John H. Denslow, Cedar County, died of cholera just beyond St. Joseph. — *Iowa Democratic Enquirer* (Muscatine), June 23, 1849.

Jas. Depui, Dubuque County, killed by Indians attempting to steal cattle. — *The Miners' Express* (Dubuque), January 30, 1850.

Mr. Emory (probably W. H. Emory), Scott County. — *The Davenport Gazette*, March 28, 1850.

Mr. Fisk, Maquoketa, died on the plains about July 5, 1849. — *The Miners' Express* (Dubuque), September 19, 1849.

V. Glenat, Dubuque County, inflammation of the lungs. Buried 170 miles west of Fort Laramie in a canoe found nearby. — *The Miners' Express* (Dubuque), February 6, 1850.

James T. Hardin, Jefferson County, drowned in Feather River, California. — *The Miners' Express* (Dubuque), March 6, 1850.

R. W. Hart, Dubuque County. — *The Miners' Express* (Dubuque), February 6, 1850.

Joseph Hempstead, Dubuque County, cancer of the stomach. — *The Miners' Express* (Dubuque), not dated.

Joshua Holland, Des Moines County. — *Burlington Hawk-Eye*, December 27, 1849.

James Kibbee, Dubuque County, died at San Diego,

Cal., December 25, 1849. — *The Miners' Express* (Dubuque), March 6, 1850.

Son of D. W. Kilbourne, Lee County. — *The Davenport Gazette*, January 3, 1850.

Two sons of General McMillan, Henry County. — *The Davenport Gazette*, March 7, 1850.

Major John B. Newhall, died of cholera, May 7, 1849, at Independence, Missouri. — *Burlington Hawk-Eye*, May 24, 1849.

Mr. Nutt, Des Moines County. — *The Davenport Gazette*, March 7, 1850.

CONCLUSION

While it can confidently be asserted that relatively few of the Iowa forty-niners achieved wealth in the California mines and that most of those who returned failed, during their absence, to earn enough to cover the cost of the venture, it can likewise be asserted that the State of Iowa, lying in the path of a great portion of the emigration, was distinctly benefited by the gold rush. Certainly the fears of the Iowa editors that the gold rush would embarrass the young State by reducing its population, adversely affecting business, and retarding its progress generally, proved quite unfounded. The twelve hundred, approximately, who joined the rush were quickly replaced by thousands of new settlers in an immigration of unprecedented size. Business, instead of languishing, was considerably stimulated not only by the heavy purchases of the local emigrants to California, but also by the trade of hundreds of others who passed through the State.

If commodity prices sagged in some communities because emigrating merchants endeavored to dispose of their stocks in time to join the overland rush, the effect appears to have been temporary and of little consequence. At the principal crossings along the Mississippi and the Missouri

business was brisk and competition keen. The rivalry that sprang up between the crossing towns resulted in immediate improvements in ferry equipment, in the determination of the best routes of travel across the State, and in the bridging of streams along these routes. Inland ferry points such as Iowa City, Eddyville, Fort Des Moines, and others along the major routes of travel took on new importance and enjoyed a flourishing seasonal business.

On the farms the difficulties anticipated from the California emigration also failed to materialize. The early organization of the emigrating companies allowed farmers who were affected by the loss of help to make proper adjustments when the crop was put in, while in the fall the influx of the new settlers supplied needed help for the harvest.

A particularly important, though a somewhat less tangible effect of the gold rush upon Iowa, was the increased knowledge of the State which came not only to the Iowans themselves but to all the emigrants who traversed it. A selection of the most favorable trails to the points of departure on the Missouri River involved important considerations, for this stretch of the journey had to be made in the rainy season. Consequently the emigrants studied the maps of Iowa diligently, informed themselves with regard to rivers and ferries, bottom roads and ridge roads, outfitting stations and camps, and made comparisons in such features as particularly interested them. When later, on their way to the frontier, the emigrants had an opportunity to observe at first hand the country through which they passed, and beheld its beauty and fertility, it is not surprising that many wondered why, with such wealth at their very doors, they were engaged in a hazardous venture for gold in far-off California. Nor is it surprising that many emigrants, oppressed by the hardships of the

plains, the mountains, and the deserts, and carrying with them the remembrance of the Iowa country in spring time, resolved to return there eventually to make their permanent homes.

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OATS IN HISTORY¹

“Nous ne savons pas quelle région a produit spontané-ment . . . l'avoine”, wrote Alexander Humboldt in 1807,² and though a good deal has been learned about oats since that time, the statement is still true.³ It is clear, however, that in their domesticated state oats are not as old as either wheat, barley, or rye.⁴ These three cereals were grown by the men of classical antiquity, while oats were not. The Greeks, however, were acquainted with the genus, which they called βρόμος. The Latins knew it under the name *avena*. These terms, however, were applied to the wild and not to the cultivated species of oats.⁵ So little did the ancients know about oats that Pliny had the curious idea they were wheat in a diseased condition.⁶ To Virgil they were a pest and calamity to be classed with

¹ [This general survey of the westward movement of the cultivation of oats is taken from the first chapter of a volume on *The History of the Quaker Oats Company*, by Mr. Thornton, to be published this fall by the University of Chicago Press. An article on the production of wheat, by Louis Bernard Schmidt, appeared in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVIII, pp. 371-395. An account of the westward movement of corn in the United States, also by Mr. Schmidt, is printed in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXI, pp. 112-141. — THE EDITOR]

² “We do not know in what region oats originally appeared.” — Humboldt's *Essai sur la Géographie des Plantes* (Paris, 1807), p. 28.

³ An interesting consideration of developing varieties is to be found in Trabut's *Origin of Cultivated Oats* in the *Journal of Heredity*, Vol. V, pp. 74-85.

⁴ *Tenth Census of the United States*, 1880, Vol. III, p. 493.

⁵ Candolle's *Origin of Cultivated Plants*, p. 373; Jarde's *Les Céréales dans L'Antiquité Grecque* (Paris, 1925), p. 4.

⁶ “The foremost feature of disease in wheat is the oat. Barley, too, will degenerate into the oat.” — Pliny's *Natural History* (Translated by J. Bostock and H. T. Riley. London, 1856), Vol. IV, p. 54.

tares.⁷ Though oats are now grown in Egypt, they were not known to the ancient inhabitants of that country, nor to the Palestinian Hebrews.⁸ A. Candolle has pointed out that there is no name for oats in Sanskrit, nor in any modern language of India, while the earliest mention of the grain in China is in a work dealing with the period from 618 to 907 A. D.⁹

The belief long prevailed that oats came originally from the island of Juan Fernandez. Lamarck so records the origin as do also many other writers.¹⁰ This view appears to rest on the fact that the plant was observed growing there by the navigator, Anson.¹¹ This opinion, however, is no longer commonly held. Oats have been found among the remains of the lake-dwellings of Switzerland, dating back, probably, to the Bronze Age, and also in Germany in several tombs of the earliest Christian centuries.¹² The ancient existence of the grain is proved by vernacular names east of the Alps on the borders of Europe toward Tartary and the Caucasus. It is now believed that this region was the home of the earliest oat species and that they were brought into central and western Europe, and there cultivated, by migrating peoples.¹³ Pliny testifies

⁷ "Interque nitentia culta infelix lolium et steriles dominantur avenae." — Virgil's *Georgics*, Vol. I, p. 153.

⁸ King Solomon fed his horses and dromedaries on barley. — I Kings, 4: 28.

⁹ Candolle's *Origin of Cultivated Plants*, p. 373.

¹⁰ "On la [avoine] croit originaire de l'île de Jean Fernandès, dans la mer du Sud, près du Chile." — Lamarck's *Encyclopedie Méthodique: Botanique* (Paris et Liege, 1789), Vol. I, p. 331.

¹¹ Candolle's *Origin of Cultivated Plants*, p. 374; Serand's *Les Avoines* (Paris, 1890), p. 1.

¹² Candolle's *Origin of Cultivated Plants*, p. 374, citing Heer's *Pflanzen der Pfahlbauten*, p. 6; Lenz's *Bot. der Alten*, p. 245.

¹³ Candolle's *Origin of Cultivated Plants*, p. 376; Warburton's *Oats: Growing the Crop* (*United States Department of Agriculture Farmers' Bulletin*, No. 424), p. 5.

that the grain was in common use among the German barbarians. "The people of Germany", he records, "are in the habit of sowing it [oats], and make their porridge of nothing else."¹⁴

It may be stated, then, that cultivated oats, in general, had little part in the early economy of the human race. Unknown in the classical world, they were found in central Europe, perhaps in the Bronze Age. Thence they traveled west and north, demonstrating that they flourished best in colder regions and becoming a staple product for the inhabitants of many lands where they grew. In due time they crossed the Atlantic Ocean to become an important member of the cereal family in America.

Thus oats, unlike maize and the sweet potato, are not indigenous to America. They made their appearance here, however, before the establishment of the first permanent English settlement on the eastern seaboard of the future United States. In 1602 Bartholomew Gosnold, exploring the coastline of New Hampshire and Massachusetts, built a hut on one of the Elizabeth Islands in Buzzard's Bay, and as a further mark of civilization planted oats and wheat there.¹⁵ In 1622 oats were grown in Newfoundland, and in 1626 this grain was introduced into New Netherlands. The Dutch folk of Manhattan Island were proud of their agricultural achievements, for in that same year they sent from their little colony as evidence of their prosperous condition, samples of the recent harvest, including oats. This was, perhaps, the first instance of grain exportation to Europe from North America. In 1629 oats made their entry into the Massachusetts Bay settlement,

¹⁴ Pliny's *Natural History* (Translated by Bostock and Riley. London, 1856), Vol. IV, p. 54.

¹⁵ Flint's *A Hundred Years of Progress* in the *Annual Report of the United States Department of Agriculture*, 1872, p. 280; Channing's *A History of the United States*, Vol. I, p. 156; *Report of the Commissioner of Patents*, 1853, Agriculture, p. 159.

being planted by the colonists in that year.¹⁶ Three years later, under date of August 14, 1632, John Winthrop recorded in his journal: "This week they had in barley and oats, at Sagus, above twenty acres good corn [i. e., grain], and sown with the plough."¹⁷ That the development of the crop gave satisfaction to some would appear from the chronicle of William Wood. In 1633 he left New England, and that same year noted in his *New-England's Prospect*, "there hath as good English corn grown there as could be desired; especially rye, oats, and barley."¹⁸

Oats appear to have been introduced into the southern colonies in the earliest years of settlement. By the 1660's, they seem, together with other transmigrated English small grains, to have been quite well established in both Virginia and Maryland, for in 1669, Nathaniel Shrigley asserted in a tract published that year: "There is plenty of English graine, as Wheat, Barley, Beanes, Peas and Oats."¹⁹ Oats, however, entered less extensively into the economy of the southern than into that of the northern colonies, a fact true not only in colonial but in subsequent times.

By the decade of the Revolution oats had their established place in the agricultural and social practice of the colonists. On June 3, 1771, John Adams observed in his diary: "Oated in Spencer; turned my horse to grass at Wolcott's, in Brookfield." Later in the entry, he again used the same quaint phrase for taking care of his steed: "Oated at Silas Hodges's, in Brimfield, near the Baptist meeting-house." The future President made as serious

¹⁶ *Report of the Commissioner of Patents*, 1853, Agriculture, p. 159.

¹⁷ *Winthrop's Journal* (Edited by J. K. Hosmer), Vol. I, p. 90.

¹⁸ Wood's *New-England's Prospect* (Third edition), p. 14.

¹⁹ Shrigley's *A True Relation of Virginia and Maryland in Tracts* (Edited by Peter Force), Vol. III, p. 7.

note of the care of his mount as of his tonsorial necessities, as witnessed by his chronicle on June 8th: "I have spent this morning riding through paradise The town of Hartford is not very compact I stopped only to oat my horse and get my head and face shaved, and then rode to Weathersfield, four miles, on the west side of the river."²⁰ Ezra Stiles, distinguished President of Yale College, and indefatigable diarist, bears further witness to the fact that oats were accepted provender for colonial horses. "Set out for Winsor", he noted on June 3, 1774, "Oats at Case's at Symsbury."²¹

In 1633, William Wood²² had written enthusiastically of the excellence of the oat crop, but 140 years later an English visitor wrote of American grain:

Barley and oats are very poor crops, yet do they cultivate both in all parts of New England: the crops are such as an English farmer, used to the husbandry of the eastern part of the kingdom, would think not worth standing; this I attribute entirely to climate, for they have land equal to the greatest productions of those plants.²³

This observation is of value, for it shows not only what the visitor considered the discouraging condition of these grain crops but also the fact that they had general distribution through New England. There were, however, those among the colonists who were not as depressed as the Englishman and who, it would seem from the following, found considerable satisfaction in their barley and oats.

Beer was the common beverage among the early settlers of New England, and like everything else was home-made The

²⁰ *Works of John Adams* (Edited by C. F. Adams), Vol. II, pp. 266, 267, 272.

²¹ Stiles's *Diary* (Edited by F. B. Dexter), Vol. I, p. 442.

²² Wood's *New-England's Prospect* (Third edition), Vol. I, p. 14.

²³ *American Husbandry* (London, 1775), Vol. I, p. 53.

grain was taken to the maltsters and made into malt. Usually the good wife brewed her beer once a week, generally on Saturday, and it was ready to drink on Monday Wheat, rye and other grains were employed for this purpose, but barley yielded the largest per cent. of malt.²⁴

It was only natural that George Washington should experiment with oats on the broad acres of Mount Vernon. In the fall of 1764 he sowed "a few Oats to see if they would stand the winter". Further experiments were made with the growing of oats, and in 1787, the year he presided over the Constitutional Convention, he had four hundred acres sown to oats, with seven hundred acres each to wheat and corn.²⁵

The world has witnessed few agricultural phenomena to compare with that which has been part of the economic life of the American people in the Nineteenth Century. It is seen in the vast army of men who attacked the wilderness and tamed to the plow the virgin prairie; in the innumerable acres brought under cultivation, or made to serve as feeding grounds for enormous herds of cattle; and in the statistics which tell their unadorned but thrilling tale of ever expanding production. For illustration one may turn to any of the major members of the grain family, and mark how from one decade to another the increase of the harvest compelled men to pull down their narrow barns and build ever larger and more numerous granaries. In 1839, for instance, the farms of the nation produced 84,823,272 bushels of wheat and 377,531,875 bushels of corn.²⁶ In 1849 the

²⁴ Trumbull's *History of Northampton*, Vol. I, p. 380. It seems fair to assume that "other grains" included oats. Making beer from oats is a European practice, "dans certains pays, comme en Allemagne, l'avoine remplace l'orge pour la fabrication d'une sorte de bière blanche, légère, pétillante et très hygiénique." See also Denaisse et Sirodot's *L'Avoine* (Paris, 1901), p. 582.

²⁵ Haworth's *George Washington: Farmer*, pp. 91, 93, 105, 111-113.

²⁶ *Sixth Census of the United States*, 1840, Vol. II, p. 408.

yield had expanded to 100,486,000 bushels of the former and 592,071,000 bushels of the latter.²⁷ In 1900 the production of corn had leaped to the enormous total of 2,105,102,516 bushels, and that of wheat to 522,230,000.²⁸ Oats, the third member in point of importance in the cereal group, were not as vital to men as wheat or corn, yet they were essential for the horses whose rugged strength tore apart the fruitful furrows. In point of production oats have not only held their place in the swift advance, but have consistently maintained a big lead over wheat. The oat crop rose from 123,071,341 bushels in 1839²⁹ to 146,584,179 bushels in 1849,³⁰ and to 943,389,375³¹ and 1,487,550,000³² bushels in 1899 and 1925 respectively.

It is obvious that this staggering increase was the consequence of a widening area, and hence, a shifting center, of grain production. Before the Revolution comparatively few of the seaboard dwellers had ventured beyond the mountain ranges that separated them from the great, interior river valleys. But with the signing of the peace at Paris in 1783 men began to swarm over the Allegheny and Blue Ridge Mountains and, in addition to trapping and bartering, they staked out new homes and brought their rude plows into action. How the area of oat production expanded, and its center moved, can be traced in a comparison of the decennial reports.

Oat production in 1839 was confined almost entirely to the region east of the Mississippi River, although more

²⁷ *Yearbook of the United States Department of Agriculture*, 1919, pp. 510, 520.

²⁸ *Yearbook of the United States Department of Agriculture*, 1900, pp. 753, 763.

²⁹ *Sixth Census of the United States*, 1840, Vol. II, p. 408.

³⁰ *Yearbook of the United States Department of Agriculture*, 1922, p. 478.

³¹ *Yearbook of the United States Department of Agriculture*, 1922, p. 480.

³² *Yearbook of the United States Department of Agriculture*, 1926, p. 849.

than half of the national crop was grown west of the Allegheny Mountains, the Ohio Valley having become an important area of production. New York and Pennsylvania led all the States with a yield of over 20,000,000 bushels each, accounting between them for 34 per cent of the national total. Ohio held third place. Virginia, Kentucky, and Tennessee ranked next, together producing almost 28,000,000 bushels. Maryland and North Carolina still held a place among the first ten oat-growing States, though the yield of each was less than 4,000,000 bushels.³³

In 1849 New York retained first place among the States, having enlarged her crop and increased her percentage of the national production. Pennsylvania was still second with more bushels but a diminished proportion of the total yield. Virginia, for the last time, was fourth in the list, with 10,000,000 bushels, while Kentucky, Tennessee, and North Carolina remained, the first two having dropped one place, but each having surpassed its achievement of ten years before.³⁴ Production moved slightly northward into Michigan and Wisconsin, spread across central Missouri and obtained a foothold in southeastern Iowa. But the Ohio Valley was yet the prolific oat growing region, and Ohio held firmly to third place with over 13,000,000 bushels.

Another ten years found New York and Pennsylvania still leading, though it was the last appearance of the former in first place at the decennial survey. For the last time, too, Virginia and Kentucky were seen among the leading States, the former maintaining, but the latter decreasing by half, the yields of ten years before. New York, Pennsylvania, Virginia, and New Jersey were the only Atlantic States remaining in the list, and, with the exception of the first two, none has appeared among the decen-

³³ *Tenth Census of the United States*, 1880, Vol. III, p. 492.

³⁴ *Tenth Census of the United States*, 1880, Vol. III, p. 492.

nial leaders to the present day. The southern States registered a marked decline, and the north central States an equally definite increase in production. Illinois, which in 1839 had stood eighth in line with a little less than 5,000,000 bushels, and fifth in 1849, with over twice that amount, was now in fourth place with a yield of well over 15,000,000 bushels. Iowa and Wisconsin made their first appearance among the decennial leaders, while Michigan and Minnesota came upon the map. So, also, did Oregon and California, for the frontier of settlement was now the Pacific Coast, and "Manifest Destiny" had largely been achieved.

By 1869 the center of production had advanced from the Ohio Valley to the Upper Mississippi Valley. New York, long in the van of the oat States, fell to third place, being replaced by Illinois with a yield of well over 42,000,000 bushels, which was 15 per cent of the national crop.³⁵ Iowa advanced to fifth place, her 21,000,000 bushels being only 4,000,000 behind the record of Ohio. Wisconsin trailed Iowa closely, and Missouri was able to show 16,500,000 bushels. Michigan and Minnesota had achieved a position among the leaders, and oat growing had now extended across the Missouri River into Kansas and Nebraska.

Through the following decade the northward and westward advance of oats continued. At its close Illinois maintained the leadership among the States with an increase of over 20,000,000 bushels. Indiana, Michigan, Wisconsin, and Minnesota registered vast yields, their total being 90,000,000 bushels as against 48,000,000 at the previous decennial. The most spectacular development in oat raising was made by Iowa, which jumped from fifth to second place with a gain of 30,000,000 bushels. Georgia, Alabama, and Texas recorded enlarged production, as did also the Mountain States, though none of these could reach a place among the leaders.

³⁵ *Tenth Census of the United States*, 1880, Vol. III, p. 492.

These statistics clearly illustrate the regional shifts in oat production down to the year 1879. How completely the trend was away from the erstwhile ascendant States into the West and Northwest appears concretely from the following table.

REGIONAL DISTRIBUTION OF OAT PRODUCTION IN THE UNITED STATES IN 1849 AND 1879

<i>Region</i>	<i>Bushels³⁶ 1849</i>	<i>Percentage of U. S. Total 1849</i>	<i>Bushels³⁷ 1879</i>	<i>Percentage of U. S. Total 1879</i>
North Atlantic	59,570,301	40.6	83,967,199	20.6
North Central	42,328,731	28.9	270,166,435	66.2
South Atlantic	23,294,810	15.9	21,992,934	5.4
South Central	21,318,218	14.5	21,645,208	5.3
Western	72,119	0.1	10,087,223	2.5

Though it had, during the thirty years between 1849 and 1879, increased its yield by 23,000,000 bushels, the North Atlantic Division had fallen 50 per cent in its relation to the national total. On the other hand the States of the North Central division in the same period had enlarged their production by several hundred per cent, and had increased their national percentage from 28.9 to 66.2. In 1839, New York and Pennsylvania had raised between them 41,000,000 bushels of oats, and Ohio, Illinois, and Indiana 25,000,000.³⁸ In 1879, the two Atlantic States had reached a total of 71,000,000 bushels, but were outdistanced by the trans-Ohio trio whose total was 107,000,000 bushels. Moreover, while the former received only negligible support from their northern neighbors, the latter could combine with Iowa, Wisconsin, Michigan, and Missouri to accumulate a regional total of over a quarter of a billion bushels.³⁹

³⁶ *Twelfth Census of the United States*, 1900, Vol. VI, p. 85.

³⁷ *Twelfth Census of the United States*, 1900, Vol. VI, p. 85.

³⁸ *Tenth Census of the United States*, 1880, Vol. III, p. 492.

³⁹ *Twelfth Census of the United States*, 1900, Vol. VI, p. 84.

In 1859, Virginia and Kentucky alone represented the South in the list of the ten leading oat-producing States, with a yield of less than 15,000,000 bushels. From the tabulation of ten years later these lone survivors had been eliminated and, by 1879, all the South Atlantic and South Central States together accounted for only 43,638,142 bushels of oats.⁴⁰

At no time has any mountain or Pacific State been given a place in the decennial grouping of the ten leading producers. California raises wild oats (*Avena fatua*), but only a small quantity of cultivated oats.⁴¹ Some of the mountain States, in their irrigated areas, have secured large yields to the acre.⁴² The two regions, together, however, produced only 72,119 bushels in 1849, 10,087,223 in 1879,⁴³ and 63,366,000 bushels in 1926.⁴⁴

It is not difficult to account for the backwardness of the South in oat production. The devotion of the tobacco and cotton-belts to their preferred crop set a check upon diversification. In the great cotton area, moreover, conditions are not as favorable for oat growing as in the northern regions. The best oats require both a cool and moist climate, and while the cotton States have the moisture, the high mean temperature is unfavorable for this cereal. The question of varieties, too, is important. Most of the

⁴⁰ *Twelfth Census of the United States*, 1900, Vol. VI, p. 84.

⁴¹ An average of some 5,000,000 bushels of cultivated oats is produced annually in California. — *Yearbook of the United States Department of Agriculture*, various years.

⁴² Between 1914 and 1925 there were years when Montana, Utah, and Nevada yielded over 50 bushels to the acre, and Idaho, Colorado, and Arizona from 40 to 50. — *Yearbook of the United States Department of Agriculture*, 1925, p. 808. Large as these yields are in comparison with present averages, it is reported that when, years ago, oats were a staple product in Orange County, New York, a yield was secured as high as 108 bushels to the acre. — *Annual Report of the Commissioner of Patents*, 1844, p. 50.

⁴³ *Twelfth Census of the United States*, 1900, Vol. VI, pp. 84, 85.

⁴⁴ *Statistical Abstract of the United States*, 1926, pp. 642, 643.

varieties of oats cultivated in the South are descended from *Avena fatua*, which are best adapted to the temperate latitudes.⁴⁵ Greater success might result if wider experiments were made with the progeny of *Avena sterilis* which, as Trabut has shown, is better suited to southern climates.⁴⁶ As for the Northeast and the Mid-Atlantic States, it was not to be expected that they would maintain their place in the scale of the national oat production in the face of the ever-expanding harvest of the Northwest. Agriculture, moreover, can not hope successfully to strive with industrial manufacture which, since the Civil War, has been master in the eastern States.

The growing supremacy in grain production of the Great Lakes region was inevitable from the day when men first turned their faces toward the West and crossed the mountain barriers. It was but a part of the general agricultural advance that changed the trapper's paradise, and the Indian's hunting ground into the granary of America and of no inconsiderable part of the world. The liberal land policy of the Federal government with its low selling price, preëmption system, squatter's right of purchase, and the Homestead Law, were factors of paramount importance in bringing to the land swarms of immigrants, and restless Americans who would rather be harnessed to a plow in an untamed land than imprisoned in the mills or mines of familiar places. These and other factors sent a vaster horde of land-hungry men pouring into the interior valleys of the United States than swept into the Roman Empire both north and south of the Alps. And they were men

⁴⁵ Morgan's *Field Crops for the Cotton-Belt*, pp. 273, 285.

⁴⁶ Trabut's *Origin of Cultivated Oats* in the *Journal of Heredity*, Vol. V, pp. 74-85. David R. Coker, who is doing excellent crop experimentation in the South, reports that on his estate in Hartsville, South Carolina, he has developed some hybrid strains of *Avena sterilis* on *Avena fatua* "which are very promising and which are much more resistant to cold than the varieties generally planted." — Letter from Mr. Coker to the author.

armed with new and strange machinery, able to reap the infinite acres they were to sow.

As evidence of their peaceful energy they sent east and south a mounting flood of grain. At their disposal were, from 1825, the Erie Canal and, from 1833, the Welland Canal which gave an open passage from the lakes to the Atlantic. Shaped by a mightier hand, a majestic river also flowed into the warm waters of the distant Gulf, able to bear whatever weight men might place upon its bosom. But in respect to oats, export was the least important fact. It will not do to take their shipment back to the old States as an index of what was being achieved in the new regions. This may in part be done with wheat and corn, hogs and cattle, but oats, both in the newer and older areas, were largely consumed on the farms or within the counties producing them.⁴⁷ Yet they were on the fruitful tide coming out of the West. In 1854, almost 4,500,000 bushels were received at Buffalo, an amount as large as that city's total grain receipts in 1840.⁴⁸ In the former year over 4,000,000 bushels arrived in Chicago. In 1862, with lesser shipments in the interim, the Chicago figure stood at 4,688,722 bushels which the following year, probably because of demands for northern cavalry, soared to 11,000,000 bushels, and advanced in 1864-1865 (one year) to 16,365,440 bushels.⁴⁹

Although the quantities were small compared with other foodstuffs, oats were borne by the Ohio and Mississippi rivers, to the great southern port of outlet. In 1850, 325,795 barrels and sacks were received at New Orleans, an

⁴⁷ Bidwell and Falconer's *History of Agriculture in the Northern United States, 1620-1860*, p. 350; *Yearbook of the United States Department of Agriculture*, 1922, pp. 474, 482. In the ten years from 1900 to 1910, an annual average of 28.7 per cent of the oat crop was shipped out of the county where it was grown. See Warburton's *Oats: Distribution and Uses* (*United States Department of Agriculture Farmers' Bulletin*, No. 420), pp. 11, 12.

⁴⁸ *Eighth Census of the United States, 1860, Agriculture*, p. cxlviii.

⁴⁹ *Transactions of the Illinois State Agricultural Society, 1865-1866*, p. 518.

amount which had more than doubled by 1860, when 659,550 barrels and sacks arrived there.⁵⁰ By the following year the "Great Calamity" had fallen upon the nation, and the "Father of Waters" ceased to carry to the South good things out of its fertile valley. For ten years before the Civil War, indeed, the balance of the Northwest's surplus increasingly ignored its natural highway, and the conflict but sealed to the South this measure of disaster.⁵¹ Canals, railroads, and then war had overcome the river, and bound West and East indissolubly together.

The decade from 1879 to 1889 witnessed a greater increase in the national production of oats than any that preceded or followed, the total rising from 407,858,999 to 809,250,666 bushels. The years from 1859 to 1869 had seen enormous increase (from 172,643,185 to 282,107,157 bushels),⁵² and a gain of 125,751,842 bushels was achieved from 1869 to 1879. But here was an increase of over 400,000,000 bushels! Amid this prodigality Iowa stood first among the States with a lead of 9,000,000 bushels over Illinois. These two States accounted for 35 per cent of the national production, a position which New York and Pennsylvania had held substantially in 1839. But whereas the two Atlantic

⁵⁰ *Eighth Census of the United States*, 1860, Agriculture, p. clvi.

⁵¹ What New Orleans felt about this fact is disclosed in the following speech delivered at Nashville, Tennessee, in 1851: "This *was* New-Orleans; but what is New-Orleans now? Where are her dreams of greatness and glory? Where her untold wealth in embryo? Whilst she slept, an enemy has sowed tares in her most prolific fields. Armed with energy, enterprise, and an indomitable spirit, that enemy, by a system of bold, vigorous and sustained efforts, has succeeded in reversing the very laws of nature and of nature's God — rolled back the mighty tide of the Mississippi and its ten thousand tributary streams, until their mouth, practically and commercially, is more at New-York and Boston than at New-Orleans. Thus have the fates mocked and deceived us in promising rank and greatness so long as the mouth of the great rivers should remain at our doors." — De Bow's *The Industrial Resources of the Southern and Western States*, Vol. II, pp. 483, 484.

⁵² *Tenth Census of the United States*, 1880, Vol. III, p. 491; *Thirteenth Census of the United States*, 1910, Vol. V, p. 601.

States had secured the distinction with a combined yield of 41,000,000 bushels, the new leaders had to bring to the harvest more than 284,000,000 bushels. Michigan, Minnesota, and Wisconsin piled up huge increases for the North Central region. New York fell to the penultimate position in the decennial tabulation, and Pennsylvania was crowded entirely out of it. There was a marked expansion into Kansas, Nebraska, and the Dakotas, and the two former Commonwealths made their first appearance among the decennial leaders. "The development of the self-binder as an efficient implement of production contributed largely to the great increase of oat production during the decade, particularly on the rich prairies of the Upper Mississippi Valley States."⁵³

The enormous rise in the national oat production between 1879 to 1889 has not been approached in any subsequent decade. In 1899 the total for the United States stood at 943,389,375 bushels. In the tabulation, Illinois surpassed Iowa with a yield of 180,305,630 bushels as against 168,364,170. The North Central and the South Central blocks of States accounted together for over three quarters of a billion bushels, an amount constituting vastly the greater proportion of the yield for the entire country.⁵⁴ The small percentage of increase in the general crop was due, perhaps, to over-production and the low farm prices then prevailing.⁵⁵

In 1909 the national crop passed the billion bushel mark by 7,142,980.⁵⁶ Impressive as is this fact, however, the gain was less than 64,000,000 bushels. Illinois still held the premier position though with a loss of 30,000,000 bushels

⁵³ *Yearbook of the United States Department of Agriculture*, 1922, p. 480.

⁵⁴ *Twelfth Census of the United States*, 1900, Vol. VI, p. 84.

⁵⁵ *Yearbook of the United States Department of Agriculture*, 1922, p. 480.

⁵⁶ *Thirteenth Census of the United States*, 1910, Vol. V, p. 601.

from her total of the previous decade. Iowa, also, registered a decrease of almost 40,000,000. The lessened production in these States in 1909 as compared with 1899 was due more to a lower acre yield than to diminished acreage.⁵⁷ An interesting feature of this decennial compilation was the appearance of the two Dakotas, registering a combined production of 109,452,378 bushels.

It is clear that not only was the period of phenomenal increase now over, but the frontier of large production was shifting ever farther into the Northwest. In 1919 the national total still showed an increase, but only 48,039,818 bushels over 1909.⁵⁸ At this showing Illinois was again trailing Iowa. North Dakota had fallen out of the list, but her neighbor to the south remained. Decreases were recorded in both Wisconsin and Minnesota. A notable feature of the tabulation of 1919 is the appearance of Texas in fifth place with nearly 64,000,000 bushels, and of Oklahoma in tenth place with 45,000,000 bushels. This was the first occasion that either State had had place in a decadal tabulation. The explanation is to be found in the fact that between 1890 and 1910 Texas and Oklahoma together opened to cultivation almost 24,000,000 acres, an amount nearly equivalent to the combined areas of New Hampshire, Vermont, Massachusetts, and Maryland.⁵⁹

The 1929 analysis reveals a national total still far below one and a half billion bushels,⁶⁰ yet the increase of almost 180,000,000 bushels was the largest recorded by the decadal measurement since 1889. Iowa's supremacy rested securely upon an offering well beyond 200,000,000 bushels, and a lead of 62,000,000 bushels over the nearest rival.

⁵⁷ *Yearbook of the United States Department of Agriculture*, 1922, p. 481.

⁵⁸ *Fourteenth Census of the United States*, 1920, Vol. V, p. 712.

⁵⁹ *Lingley's Since the Civil War*, pp. 427, 428.

⁶⁰ This huge total had been exceeded by 92,740,000 bushels in 1917, the year of peak production, and by 2,529,000 in 1924.

Minnesota's leap to second place and increased yields in Wisconsin, South Dakota, and Nebraska disclosed the continuance of the northwest trend. Minnesota's achievement is the most striking feature of the 1929 listing, since a harvest of 153,738,000 bushels marked an increase of 64,630,000 bushels over the gathering of 1919.

It is apparent, then, that while increases in the national total continued after 1889, the rate of advance was greatly retarded. This fact so impressed the agricultural experts at Washington that in 1922 they made the statement that oat production had probably touched its limits and that reduction might be looked for.⁶¹ It may be that for the time being the culture of oats in the United States has reached the saturation point, at least, in the great producing region of the North Central division. That there is a lessened demand for the grain in one important instance can not be doubted, for the effect of gasoline upon the ancient banner feed for horses is obvious. No more will gentlemen record having "oated" their steeds in the course of a business itinerary. And though there has been, during the past fifty years, an increasing demand for oats as part of the human diet, the proportion of the national total devoted to this purpose is exceedingly small and, in point of quantity, has had no stimulating effect upon the gross production. There need be no cause for alarm, however, on the part of those who regard continual expansion as the index of prosperity, at the present slowing down of the rate of increase. The greatest service to which oats are put in the United States is to feed farm stock. This is a use capable of considerable extension, especially in those areas of the country where the yield is now small. Such extension could well carry the annual culture beyond the second billion mark. It may be, too, that new commercial

⁶¹ *Yearbook of the United States Department of Agriculture*, 1922, p. 485.

adaptation may be found for oat by-products in view of researches to that end now going forward. In any case, considering the established place of oats in the scheme of crop rotation, and of animal and human dietary, it is not likely that there will occur any serious decline of present production levels. Indeed, in spite of retardation in the speed of advance, nature has not upheld the official prophets, for in only one subsequent year, 1927, has the annual production fallen below that of 1922.⁶² Even if the prophecies should yet be justified, and the upward curve be halted, one billion bushels is an impressive figure, especially when it is remembered that this amount approximates one-third of the world's production of oats, and that only a negligible per cent leaves the country.

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⁶² The annual yields have been: 1922, 1,215,803,000; 1923, 1,305,883,000; 1924, 1,502,529,000; 1925, 1,487,550,000; 1926, 1,246,848,000; 1927, 1,182,594,000; 1928, 1,439,407,000; 1929, 1,228,369,000; 1930, 1,402,026,000. See *Yearbook of the United States Department of Agriculture*, 1926, p. 848, 1927, p. 789, 1931, p. 628.

For general studies on oats, dealing with such topics as history, species, varieties, structure, germination, climate, soil, seeding, culture methods, harvesting, diseases, distribution, etc., see the following references: Trabut's *Origin of Cultivated Oats* in *Journal of Heredity*, Vol. V, pp. 74-85; Broili's *Hafer im Bilde, Arbeiten Der Deutschen Landwirtschafts-Gesellschaft* (Berlin, 1911), Heft-194; Hitier's *Les Céréales, Avoine et Orge* (Paris, 1909); Hunt's *The Cereals in America*; Morgan's *Field Crops for the Cotton-Belt*; Schulz's *Abstammung und Heimat des Rispenhafers und des Fahnenhafers* in *Berichte der Deutschen Botanischen Gesellschaft*, Vol. XXXVI, pp. 229-232; Serand's *Les Avoines* (Paris, 1890); Denaffe et Sirodot's *L'Avoine* (Paris, 1901); Tannert's *Entwicklung und Bau von Blüte und Frucht von Avena sativa* (doctoral dissertation, Zurich, 1905); Thellung's *Über die Abstammung, dem systematischen Wert und die Kulturgeschichte der Saathafer-Arten* in *Vierteljahrsschrift der Naturforschenden Gesellschaft* (Zurich), Vol. LVI, pp. 293-350; Warburton's *Oats: Growing the Crop* (*United States Department of Agriculture Farmers' Bulletin*, No. 424); Zade's *Der Hafer Eine Monographie Auf Wissenschaftlicher Und Praktischer Grundlage* (Jena, 1918).

IOWA AND THE SPANISH PIONEERS

It is commonly accepted that Marquette and Joliet were the first Europeans to see the plains of Iowa, but the finding of certain relics in Henry and Jefferson counties may indicate that long before the English founded Jamestown, Spanish pioneers had explored the Iowa country.

The story begins with the expedition of Juan de Oñate into what is now the central area of the United States. Oñate was born in Zacatecas, Mexico. His father was the owner of the richest mines in Mexico, and Juan was reared in luxury, but he preferred the strenuous life of an explorer rather than the ease which luxury gives.¹

Following the brilliant Coronado's failure to plant a permanent colony in New Mexico, the Spanish government refused to bear the expense of further attempts at settlement or exploration. After years of negotiations, however, Oñate obtained permission from the Spanish Viceroy to colonize and explore New Mexico at his own expense. At a cost of two million dollars he organized an expedition to colonize and explore this unknown land. His expedition consisted of four hundred persons, men, women, and children, including two hundred soldiers and a number of clergymen² or priests. He also took large herds of cattle, horses, sheep, and hogs. He made the first permanent settlement in New Mexico in the vicinity of Santa Fe and this colony was made the base for exploring expeditions to different parts of the country. In 1600 Oñate led an expedition into the country which is now the State of Nebraska. He named the Platte River the river Jesus Maria. In 1606

¹ Lummis's *Spanish Pioneers*, p. 88.

² Hammond's *Founding of New Mexico*.

he led an expedition far³ to the northeast. The records of this expedition have not yet been found. It is of record that Oñate returned, but the particulars of his explorations are not known.

It was the custom of these Spanish explorers to take with them a priest who was generally the historian of the party. If the historian's life should be lost, there was no record of the expedition. Even if the historian made his report, it was sent to the Spanish government in Spain, and might be buried in the archives.

It was this expedition far to the northeast that the writer believes left its mark in Iowa, but it is also quite probable that Coronado reached the borders of Iowa. When Coronado's expedition reached the Canadian River, in what is now Oklahoma, he sent the main body of his command back to New Mexico while he with thirty picked followers proceeded north for further explorations. The record is clear that he went as far as northeastern Kansas, and there are fragmentary reports⁴ that at this point he crossed a broad river and entered a country where the soil was black and an abundance of wild fruit was growing. This may have been northwestern Missouri or southwestern Iowa. There is no proof that he penetrated into the interior of what is now the State of Iowa.

There is also a possibility that another expedition may have entered the territory of Iowa. When the Spanish learned that the English had founded Jamestown, the pioneers of New Mexico organized a force to march across the continent and drive the English into the sea. What became of this expedition the writer has not been able to determine. The entire force may have been exterminated or the scribe of the expedition killed. In this case, there

³ Lummis's *Spanish Pioneers*, p. 89.

⁴ Lummis's *Spanish Pioneers*, p. 82, and Hammond's *Founding of New Mexico*, p. 138.

would be no record. As the histories of these explorations were always sent to Spain the record of this exploit may now be mouldering in some Spanish library.

But all evidence points to the fact that it was the explorer Juan de Oñate who left his mark in Iowa. Cedar Bluffs on Skunk River on the eastern border of Jefferson County appears to have been the terminal point of his journey. It would seem that in this locality, he was assailed by the aborigines. He took a position upon a high ridge where he could command the view from all directions. Here he erected some kind of a fortification to shield his followers. At the base of the ridge is a never failing spring of water where his comrades could renew their supply of water which the Spanish pioneers carried in abundance, a habit which they acquired in traversing the arid plains. The early settlers of this region claimed that there was evidence that some kind of a building had once been erected on the crest of this ridge.

Numerous lead balls, supposed to be from the Spanish *harquebus*, were found scattered over this field and continue to reveal themselves to the plowman.⁵ Flint arrow points are equally numerous scattered over the same territory.

Just across the river from this battle ground, on the brow of the cliff that borders the river, three feet beneath the surface and under the roots of a large walnut tree, a Spanish ax was found.⁶ The walnut tree had sprouted and grown within the stump of a giant oak that had long since perished and the ax was found beneath the roots of both. This ax was of bronze steel of peculiar form and in an excellent state of preservation. The writer recognized the ax at once as being of Spanish origin.

⁵ See collection of musket balls owned by Frank Johnson, Mt. Pleasant, Iowa.

⁶ See ax now owned by William Smith, Mt. Pleasant, Iowa.

To make sure of its relative age, he visited the museums of New Orleans and St. Augustine where many Spanish relics are preserved. In the oldest house in St. Augustine, now a museum, he found an ax of the identical pattern of the one found at Cedar Bluffs. This ax was used in founding St. Augustine which corresponds very closely to the time Juan de Oñate was exploring Iowa in the early years of the seventeenth century. Near the site where the ax was found, a lance head was uncovered in an Indian grave. This lance head is of the form and pattern of those used by Cortez in the conquest of Mexico. It is a matter of record that lances were a part⁷ of the armament of the Oñate expedition to New Mexico. The lance head in question was⁸ probably one of the trophies of the battle fought at Cedar Bluffs and was so highly prized by the Indian warrior that when he died the trophy was buried with him in the grave, as was the custom with many tribes. In the same vicinity several small articles have been found that may or may not be of significance — the image of a frog carved from stone with a cross upon its back, an image of the Virgin Mary, and some small iron crosses. Quite recently, a bronze coin was found, of Roman pattern or rather of a province of Rome. On the obverse side is the bust of the ruler of the province while on the reverse side is the Roman eagle.

The writer is not sufficiently versed in numismatics to know whether this is an original coin or a reproduction, but it has all the appearance of being original. There are, of course, many ways that these small articles could be lost in the soil of Iowa, but being found in close proximity to well-

⁷ Hammond's *Founding of New Mexico*. Also artist's portrayal of Cortez armament in Goodrich's *History of All Nations*.

⁸ See Juan de Oñate's contract with the Viceroy of Mexico in Hammond's *Founding of New Mexico*. Also lance owned by George Thomas, Mt. Pleasant, Iowa.

known⁹ Spanish relics, it is reasonable to believe that they too are of Spanish origin.

On the same ridge, and not far from the supposed Spanish fortification, a stone grave was found by Herman Elgar of the Henry County Historical Society, and Frank Johnson, a resident of that locality. This grave was explored by the Henry County Historical Society. It was found to be different from any other grave ever seen in this part of Iowa. This grave was lined with flag stones and over the top flag stones were laid, and over this a mound of earth was raised. At the head a beautiful stone of peculiar pattern was erected. It is not believed that this head-stone is of artificial design, but rather the work of erosion, but it served well the purpose for which it was used. It has been suggested that this might be the grave of a Spaniard killed in battle.

When Oñate left his fortified position at Cedar Bluffs on his return journey, he went south down the river to the mouth of Big Cedar Creek which comes in from the southwest, and the river turns abruptly to the east. After ascending Big Cedar Creek for a few miles, he was again assailed by the Indians. In this engagement, the Spaniards appear to have lost heavily.

In a ravine on the hillside where erosion had cut a deep channel in the soil a gun barrel was found protruding from the earth. The position of this gun was such as to indicate that it had been buried for centuries and was only brought¹⁰ to light by the deep erosion of the soil.

In the deep woods of the Big Cedar Valley some heavy irons, curiously wrought, were found by the early pioneers. These irons were a puzzle to the finders but were finally identified as being part of a gun carriage. It is a well

⁹ Articles owned by Herman Elgar, Mt. Pleasant, Iowa.

¹⁰ Gun found by Roy Barton, Mt. Pleasant, Iowa.

known fact that the early Spanish explorers always took with them one or more light cannon with which to defend themselves and terrify the Indians.¹¹ This gun carriage being disabled was, apparently, abandoned in the woods and all parts disappeared except the heavy irons.

On the top of the bluff near this battle ground two stone graves were found. These graves were opened more than fifty years ago by curious citizens and no scientific investigation was ever made. Recent careful examination by the writer reveals the fact that these graves were very similar, if not identical, with the grave at Cedar Bluffs. Such are the facts upon which we base our claim that the Spanish pioneers were the first white men to view the plains of Iowa.

It might be suggested that these Spanish relics might have been brought in the course of trade with the Indians. The writer is aware that the Indians carried on commerce with distant tribes, but it must be remembered that these were relics of the sixteenth century. There were no Europeans in what is now the United States at that date except the Spanish of New Mexico. Such a thing as a trade or commerce with the Spanish at that time was absolutely unknown to the Indian tribes.

In regard to the stone graves, there is room for a difference of opinion. It is well known that the Indians of the Hopewell Culture sometimes buried their dead in stone graves. Some of these graves were found in Ohio and adjacent States, and many of them were found in Tennessee, but not to the writer's knowledge has any grave been found in Iowa that corresponds to the grave on Cedar Bluffs. A stone grave has recently been discovered in western Oklahoma identical with the graves of Iowa. This grave was

¹¹ See Oñate's armament in contract with Mexican Viceroy in Hammond's *Founding of New Mexico*.

found on the trail of Coronado when he visited northeastern Kansas. This grave is hundreds of miles from any known grave of the Hopewell Culture. If these Iowa burials are not of Spanish origin, it is a curious coincidence that they are found adjacent to what was apparently a Spanish battle ground, and that the corresponding graves in Oklahoma are on the Coronado trail a thousand miles from any other graves of that kind.

The writer has tried to identify the Iowa burials with the Spanish burials in the fifteenth or sixteenth century in New Mexico, but little could be found about the manner of disposing of the dead. Enough was learned, however, to indicate that the Spanish settlers laid the body close to the surface, covered it with stone, and then heaped dirt upon the stone.¹²

In studying these early Spanish expeditions, it should be clearly borne in mind that they were carefully organized, efficiently officered, and sent out under strict orders from the Spanish crown. The reports of these expeditions were made either directly to the Spanish court or through the Viceroy of Mexico and were retained in Spain. For almost three hundred years, the history of the Oñate expedition was unknown to the people of America. In recent years, an American scholar engaged¹³ in historical research uncovered in the archives of Seville the full report of Oñate's march to New Mexico. This report was complete in every detail. It included an inventory of all the property taken with the expedition and a record of all the soldiers enlisted, how they were armed, their names and the names of their fathers, their stature, and even the color of their hair and eyes. A similar description was given of the men, women, and children who went as colonists.

¹² Given on the authority of the Bishop of Santa Fe.

¹³ See Hammond's *Founding of New Mexico*.

In still more recent times a French historian brought to light in Paris a complete history of the destruction of Vellasar's Spanish army on the Platte River by the French and Oto Indians in 1720. Only traditions of this expedition¹⁴ had previously been known.

In view of these facts, may it not be possible that before many years some scholar, engaged in historical research in the libraries of Spain, will bring to light the full history of Oñate's expedition through the territory of Iowa?

In setting forth the foregoing facts and the claim that the Spaniards were the first to explore the Iowa country, the writer is well aware that he is disputing the records of historians for several generations. Historians have written history from all the available records they had at their command in regard to Iowa and the public has accepted these writings as facts and is loath to believe that these time honored stories are not complete.

However, when new facts and new records are brought to light the true historian must modify his view and aid in keeping history straight. To impress this view upon the public the writer makes the following summary.

The records show that Juan de Oñate's soldiers were armed with light artillery, muskets or arquebuses, lances, and axes. Specimens of these implements of that date are still preserved in the museums.¹⁵ It is of record that Oñate made an expedition far to the northeast of Nebraska. The history of this expedition has not yet been found, but the fact that he left the implements of the Sixteenth Century scattered along his trail and the musket balls still revealing themselves on the field of his defence are more positive proof of his explorations than any written record could possibly be. The proof is as positive that the Spaniards

¹⁴ *Nebraska History*, January-March, 1923.

¹⁵ See specimens in the Vatican Museum at Rome and the British Museum at London.

were here as it is positive that the mastodon was here and left his bones in the alluvial valleys of Iowa.¹⁶

O. A. GARRETSON

SALEM IOWA

¹⁶ [The conclusion reached by Mr. Garretson in this article is based on the assumption that certain weapons found in Iowa were brought here by the Spanish previous to 1673. Most historians and archaeologists would not, we think, accept the presence of Spanish weapons in Iowa as *conclusive* proof that Spanish soldiers carried these weapons into the Iowa country.

Even in times pre-historic, articles belonging to one culture frequently found their way into distant areas occupied by other cultures; and so the finding of isolated weapons or implements in a particular area is not considered indisputable proof that the original owners had themselves carried such weapons to the place where they were found.

It is, of course, possible that Spanish soldiers did penetrate as far to the northeast as the Iowa country, and the records of such an expedition may some time in the future be unearthed; or other evidence may be found to corroborate the theory that the Spanish were the first white men to visit the Iowa country. Until such records or other evidence have been brought to light, it would appear that the discovery of the Iowa country by the Spanish, while possible, can not be accepted as an indisputable historical fact. — THE EDITOR]

FOUNDING THE PSYCHOLOGICAL LABORATORY
AT THE STATE UNIVERSITY OF IOWA
AN HISTORICAL SKETCH

In the summer of 1887 I received a telegram from the State University of Iowa asking if I would accept a position as Professor of Mental and Moral Science and Didactics at a salary of \$1800 a year. I replied in the affirmative and took up my duties at Iowa City in September of that year.

I had just completed the second year of graduate studies in philosophy and psychology at Johns Hopkins University. Previous to this I had studied three years at Yale, after graduating from the State University of Iowa.

At Johns Hopkins my major was philosophy and ethics, my first minor was psychology, and my second minor was economics.

Professor G. Stanley Hall was in charge both of philosophy and psychology and my work in these two subjects was with him. Dr. G. H. Emmott directed the ethics and Professor Richard T. Ely was in charge of the economics. My doctor's thesis on *Heraclitus of Ephesus* had been written, accepted, and published. It was first published complete in one number of *The American Journal of Psychology*, occupying the whole number. I had intended to return to Johns Hopkins for the third year to complete my studies and take my examinations for the doctor's degree, and had been appointed fellow in philosophy for the coming year, my second appointment as fellow there.

During my two years at Johns Hopkins, the psychological laboratory was in full swing. It had been founded by Professor Hall in 1883 at the time he was elected to the

professorship of psychology. Hall had spent nearly six years in Germany studying first at Bonn and Berlin and afterwards at Leipzig where he went to hear Wundt and where he spent about two years, hearing Ludwig, the physiologist, and conducting a research on the physiology of the muscles. Wundt's psychological laboratory had been established at the University of Leipzig in 1879 and Hall became familiar with it there.

During his stay in Germany, Hall wrote a series of articles for *The Nation*, describing all the new and advanced movements in Germany in those vigorous years. Some of these articles related to the new experimental and physiological methods of studying psychology. All this new and fresh material he brought with him to Johns Hopkins University, and the laboratory was patterned after that of Wundt at Leipzig. It was the first psychological laboratory in America, though William James had done some experimental work with the physiological apparatus.

The Johns Hopkins laboratory was well equipped for research and demonstration and numerous researches were in progress. I think there was no course in laboratory or experimental methods for students, but the spirit of experimental and physiological psychology pervaded all our work. Among my associates were E. C. Sanford, William Burnham, and J. H. Hyslop, and Joseph Jastrow was there during my first year. Sanford was engaged in a research on the relative legibility of the small letters of our alphabet, which became later, I think, the subject of his thesis for his doctor's degree. I remember that some one remarked that Sanford could distinguish the letters, P, H, and D farther than any others.

It is well to pause here to recognize the immense influence upon the development of psychology in American universities of German culture as expressed in the "stupen-

dous outburst of intellectual energy" in Germany during the twelve years beginning in 1870. To G. Stanley Hall belongs the credit of bringing to America a large measure of this new culture. It was disseminated by him first through his letters to *The Nation*, then through his lectures in Boston, Cambridge, and Baltimore, then through his students at Johns Hopkins, and finally through *The American Journal of Psychology* and his many books and articles. In addition to the students already mentioned, there were other notable men such as John Dewey, Henry H. Donaldson, and J. M. Cattell, who carried the influences of Johns Hopkins to their respective universities. Wundt's *Outlines of Physiological Psychology*, published in 1874, became a kind of text-book in American laboratories.

Some of this influence I brought to Iowa. Almost from the beginning, I gave courses in German psychology and philosophy. I myself made five visits to Germany, being matriculated both in the University of Berlin and in Leipzig. At the latter, I spent nearly a semester, heard Wundt and Külpe, and did a little work in the laboratory. With the help of my wife I later translated Külpe's *Philosophy of the Present in Germany* and this was published in England. The first instruments I used in my laboratory for class demonstrations were those I had seen Wundt use before his classes at Leipzig.

When in September, 1887, I took up my work at Iowa, where I had graduated with my A. B. degree nine years before, the University of Iowa had already passed beyond the stage of early nineteenth century American colleges, whose presidents were chosen from the religious ministry and who themselves gave whatever courses there were in what was called mental and moral science. President Josiah L. Pickard, who left Iowa that same year, had been superintendent of schools in Illinois. A separate chair had been held previous to my election by Professor Stephen

N. Fellows, who had been giving a course in "Mental Science" in the fall and spring, a course in "Moral Science and Evidences of Christianity" in the winter term, and a ten weeks course in the "History of Philosophy".

President Charles A. Schaeffer was the newly elected president, joining the University when I did in September, 1887. He had been Dean at Cornell University in New York and Professor of Chemistry there and was liberal and progressive in every way. Professor Laenas G. Weld and Professor William R. Perkins also came to Iowa that year. President Schaeffer encouraged me in every way in building up my department, and gave me a free hand in all things.

In this connection I should say that my university experience lends no support to the charge which I have so often heard brought against our universities that academic freedom in teaching is limited by interference from political or religious sources or by the influence of alumni or administrators. I have taught at Iowa under five Presidents — Presidents Charles A. Schaeffer, George E. MacLean, John G. Bowman, Thomas H. Macbride, and Walter A. Jessup, and one year under Professor Amos N. Currier as Acting President. Never during all this time have any influences been brought to bear upon me as to what or how I should teach, or what I should refrain from teaching. My freedom has been complete, and my support always sympathetic. In the teaching of philosophy, I avoided espousing any particular system. I recall that G. Stanley Hall at Johns Hopkins took great care to present sympathetically each philosophical system in turn as it presented itself in the history of thought, leaving the student to work out his own system. This method I tried to pursue at Iowa, particularly in the history of philosophy. In later years in my course, Introduction to Philosophy,

which gradually became a kind of standard course, I freely gave my students the results of my own thinking.

During my first year, the northeast room on the first floor of the Old Capitol was assigned me for my classes. I well remember my first lecture. Good old Professor Moses Soule of Lyons (now Clinton), Iowa, who, when I was a boy of fifteen, gave me lessons in Latin and Greek and awakened my love for the classics, had presented me with a small cane when I was elected to the position at Iowa. It was made from a thorn which he had cut on the banks of the Androscoggin River in Maine about the year 1840, and which in its pristine form he had used to inspire respect for the classics in his pupils by the the direct method. After it had served this purpose for many years, he had fitted it with a whalestooth head and used it for a cane. On the morning of my first class, I brought the cane to my lecture room and stood it up in the corner as a mascot, hoping that in some mystic way the wisdom of its original owner would seep through to my students.

My first classes were small but they grew rapidly from year to year. I had a commodious lecture room each year and it was usually well filled, the logic class soon requiring two sections. The logic taught was of the old Aristotelian type, but the students often reported later that they had received great benefit from this course. It was always my ambition to give a special popular course in the logic of daily life tracing out the countless fallacies occurring in all written and spoken forms of inference, but this was never realized. Such a study could be made very helpful.

For the first year I offered the following courses, all of which I think were elected and given:

Empirical Psychology, five hours, one term.

Logic, five hours, one term.

History of Greek Philosophy, three hours, one term.

History of Modern Philosophy from Descartes to Hegel, three hours, one term.

Ethics, five hours, one term.

Experimental Psychology, including an introductory study of the nervous system; relation of stimulus to sensation; time relations of mental phenomena; localization of cerebral function, three hours, one term.

Recent Philosophy in Germany and England — Schopenhauer, Hartman, Lotze, Wundt, Helmholtz, Spencer, Darwin, two hours, one term.

All the above courses were lecture courses, except the Logic and Elementary Psychology, in which a text was used.

In the early spring of my first year at Iowa, I received a letter from G. Stanley Hall at Johns Hopkins University, saying that he was leaving Baltimore, having been elected President of the newly established Clark University, and suggesting that I return and take my examinations for my doctor's degree. I lost no time in accepting this generous invitation, and began working night and day preparing for the examination, while at the same time writing my lectures for the new courses which I was giving. President Schaeffer gave me leave of absence in the latter part of May, kindly taking at least one of my classes himself. I returned to Baltimore, passed my examinations, and received the degree of Doctor of Philosophy.

The courses which I gave in the two years following — 1888-1889 and 1889-1890 — were about the same as during the first year, except that I omitted the course in recent philosophy and introduced a Seminar in Psychology, meeting once a week, on Tuesday evening. This, I believe, was the first use of the seminar method at the University. Thereafter I had one or more seminars each year.

In my fourth year, 1890-1891, some changes were made.

Ladd's *Outlines of Physiological Psychology*, which was published in 1887, was used as a text. The course in Experimental Psychology was now called Advanced Psychology, and described as laboratory work in psychophysics, time relations of mental phenomena, etc. I also introduced a Memory Class, in which we studied the theory of memory and methods of memory training. The course in Ethics was divided into two courses: Theoretical Ethics and Practical Ethics. The latter was devoted to Charities and Corrections, and I gave public lectures on this subject in Burlington and other Iowa cities. I also gave a course of lectures, six, I think, in Waterloo and Cedar Rapids. The subject of these two courses was the New Psychology, and they were illustrated with certain apparatus. Later I gave another course of lectures on the same subject in Cedar Rapids, and single lectures in other places.

In the next year, 1891-1892, the work was the same as in the preceding year, except that a Seminar in Plato's Republic was substituted for the Seminar in Psychology.

During 1892-1893, the regular course in psychology was extended to two terms, five times a week, instead of a second term of advanced psychology, and James was used the first term as a text. The course in philosophy was also extended to three terms, three hours a week, and a second seminar was added in philosophy.

It was in this year that I acquired new and delightful rooms for the department with separate rooms for the laboratory. I had moved that year from the northeast room of the Old Capitol to the southeast room, the one now occupied by the President's secretaries. The building at No. 14, Clinton Street, now occupied by the School of Music, was originally used by the Homeopathic Medical School. When their new building on Dubuque Street was completed, I saw an opportunity of realizing at last my

ambition to have a real psychological laboratory. I petitioned for the whole lower floor of the Clinton Street building, and received it. We had a large, pleasant lecture room, a library and reading room, and three laboratories.

In the two years following, no important changes were made in the list of courses. But in 1895-1896, the department was enlarged by the coming of an assistant in the person of Dr. J. Allen Gilbert, who had specialized at Yale, where he took his doctor's degree in experimental and laboratory psychology. I had for several years been urging the appointment of a laboratory assistant fully acquainted with the technique of psychological apparatus and experimental methods. Dr. Gilbert proved fully equal to his task and contributed a great deal to the development of the psychological department. The general course in psychology was extended to five hours a week from Thanksgiving to the end of the spring term. James, Külpe, Sanford, Wundt, and Ladd were used as references and for assigned reading. Dr. Gilbert and I conducted the course. Dr. Gilbert gave two courses in Experimental Psychology, one an Introductory Laboratory Course, and the other an Advanced Course in Original Research, open only to graduate students. He also gave a course in Abnormal Psychology, and I added one in Comparative Psychology. Gilbert gave a Seminar in Modern Philosophy and I gave one in Greek Philosophy. In 1896-1897, the work was much the same, but Dr. Gilbert gave a course in the Psychology of the Child and I gave one on the Philosophy of Nature. The latter was for graduate students. There was also a course entitled Special Research in Psychology by Dr. Gilbert, laboratory work, and theses. One or two of the courses given in the preceding year were omitted. At the close of his second year, Dr. Gilbert resigned and went east to take up his special work in medicine.

This brings us down to the year 1897 when Dr. Carl E. Seashore came, taking the place of Dr. Gilbert and gradually laying the foundations for the remarkable expansion of the department of psychology with which we are all acquainted. The time for greater specialization had come, and I was gradually able to devote myself more and more to philosophy in which I had taken my major at Johns Hopkins.

THE PSYCHOLOGY LABORATORY

When I came to Iowa, in 1887, psychological laboratories were unknown to western universities, and no eastern university or college except Johns Hopkins had such a laboratory, although Cattell, I believe, opened his at Pennsylvania in this year. Until 1888, there was not a professorship of psychology under that name alone, either in Europe or America. In that year, Dr. Cattell was invited to the University of Pennsylvania and bore the title of Professor of Psychology. From my very first year at Iowa, however, I had in mind no other plan than to have a psychological laboratory both for demonstration and research. In my first annual report to President Schaeffer, I explained the matter fully, and urged an appropriation for apparatus. Of course it was not easy to get money for such a new enterprise, but in 1890 I was granted an appropriation of \$175 for apparatus, and \$75 per year was granted after that. But I had from my first year an appropriation of \$50 a year for general supplies for the department, and with this amount I had made a beginning. Each year I began the course in psychology with the study of the anatomy of the brain. In the fall of my second year, in 1888, I think, my class, which met in the room now occupied by the President's secretaries, was somewhat startled by the appearance of a sheep's brain on my desk. A few of the students met with me to dissect it.

In this connection I think I should note that no opposition was ever encountered either from students, faculty, or president to this or any other departure from the older methods of studying the mind. Some of them may have wondered, but we always received loyal support. It was during the second year also that we procured from Germany our first apparatus, consisting of a set of six tuning forks, mounted on resonators, and also a large dissectible model of the human brain, and other models of the brain, ear, and eye. These, I think, may still be seen in the laboratory. We also had many charts made for illustrating the nervous system, special senses, illusions, etc. For this apparatus, a large case with glass doors and later a second one, stood in the end of the lecture room near where Miss Hotz's desk now stands. In the University Catalogue of 1890-1891 occurs the following announcement under the heading, "The Psychophysical Laboratory":

"The Psychophysical Laboratory is designed for the experimental study of psychology. Only a beginning has been made thus far, but at present apparatus is provided for testing the psychophysics law, for the measurement of reaction times, for testing color blindness, for mixing colors by rotating discs, and for exhibiting the structure of the brain and nervous system."

Again in the catalogue of 1894-1895 we read: "The Psychological Laboratory occupies the lower floor of the brick building . . . formerly used by the Homeopathic Medical Department. It includes a commodious lecture, library and reading room, and three quiet and well lighted laboratory rooms.

"The present equipment of apparatus is as follows: Fifty wall charts illustrating nervous system, special senses, illusions, etc.; Anzoux's dissectible model of the brain; five Steger models of the brain, ear, and brain of

orang-outang; rotation apparatus, with sets of disks for illustrating mixing of colors and color contrast (from Krille); set of six tuning forks with resonance boxes, for illustrating harmony, beats, sympathetic vibration; Hipp chronoscope with electrical connections, two reaction keys and one five-finger reaction key; instantaneous exposure apparatus; tachistoscope (after Wundt's model); series of 22 Koenig cylinders for highest audible note; aesthesiometers; brass cylinders, for demonstration of heat and cold spots; metronome; dark box; small rotation apparatus; loaded boxes for testing psychophysics law; sound pendulum (by Krille); apparatus for testing color-blindness; minor pieces for miscellaneous use."

During the two years following, when Dr. Gilbert was connected with the department, further apparatus was added, but I do not have an itemized statement of it.

An examination of the above dates is interesting in connection with the time of the founding of psychological laboratories in other universities. As noted above, the laboratory at Johns Hopkins was founded in 1883. In 1887, Cattell opened the laboratory at the University of Pennsylvania and Joseph Jastrow founded the laboratory at Wisconsin in 1888. Hence it would appear that our laboratory at Iowa was among the very first to be opened. It is also evident that all the early laboratories were in large measure modeled after the one at Johns Hopkins.

RESEARCH AND PUBLICATIONS

In this brief historical sketch, I shall mention publications only so far as they relate to the developments in psychology and psychological research at Iowa. In my third year, in 1890, I published an article on the *Psychology of Prejudice* in *The Popular Science Monthly*, now *The Scientific Monthly*. This was the first of a series of thirteen articles with similar titles, relating to the psychology

of play, of football, of relaxation, of alcohol, of war, of daylight saving, etc., which were published in *The Scientific Monthly*, *The American Journal of Psychology*, *The Psychological Review*, and *The Pedagogical Seminary*, and in my books. The purpose of all these articles was to throw light upon these various urges and activities by reference to psychological principles and laws.

In 1891, I published an article on *Rivalry of the Higher Senses*, relating to eye-mindedness and ear-mindedness, and in 1893, an article on *Number Forms*. The latter may be entitled to the name of research since the number-forms were collected from or by my students. In 1895, Dr. Gilbert and I undertook an extended research on the effects of loss of sleep. In the second set of experiments, we kept three subjects awake for ninety hours, making a series of tests upon them every six hours to determine reaction-time, motor ability, discrimination, memory, etc. At the end of the ninety hours, we measured the depth of sleep by the strength of an electric current sufficient to awaken the subject. The results were published in *The Psychological Review* and in the first volume of our *University of Iowa Studies in Psychology*, edited by Dr. Gilbert and myself, and published in 1897. It contained also a research by Dr. Gilbert and G. C. Fracker upon the effect of practice in the discrimination of sound upon the discrimination for other forms of stimuli, and a research on school children and college students by Dr. Gilbert.

In 1897, I made a series of experiments in investigating a case of automatic writing and published the results in an article in *The Psychological Review* in November, 1898, under the title, *Some Peculiarities of the Secondary Personality*. This was reprinted in the second volume of our *Iowa Studies*, which I edited in 1899. Much of the work of the second volume, however, fell upon Dr. Seashore.

In 1898, I discovered an interesting case of anosmia. The subject was the wife of one of the professors in the University who was wholly devoid of the sense of smell. A long series of tests was made upon her and upon control subjects, with foods, drinks, and drugs of all kinds, to determine the part taken by the senses of taste and smell in such perceptions. The results were published in the second volume of the *Iowa Studies* under the title of *On the Analysis of Perceptions of Taste*.

It does not belong to the purpose of this paper to carry the history of the researches in the psychological laboratory or the development of the laboratory itself beyond the year 1897.

GEORGE T. W. PATRICK

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SOME PUBLICATIONS

The Wisconsin Lead Region. By Joseph Schafer. Madison: State Historical Society of Wisconsin. 1932. Pp. 341. Plates. This is the third volume of the *General Studies* which constitute the *Wisconsin Domesday Book*. It seeks to combine the history of an important extractive industry, lead mining, with the history of the development of agriculture. Account is also taken of the leading towns in the region. The first five chapters deal with the story of lead, the beginnings of lead mining, the rush to the lead mines in the 1820's, and a general survey of the lead miners themselves. Iowans will find chapters six and seven particularly interesting since they treat of the lead miners in politics and accordingly usher in many familiar names such as Henry Dodge and George Wallace Jones. The account of the bribery episode coincident with the selection of Madison as the capital of the Territory of Wisconsin is enlightening. About three-fifths of the book deals with such subjects as land selection, agriculture, landholders, the agricultural transition, towns and villages, population changes, and Americanizing the foreigners.

The Populist Revolt. By John D. Hicks. Minneapolis: The University of Minnesota Press. 1931. Pp. 473. Plates. In the decades following the Civil War, Iowa played a leading political rôle, warmly supporting the Granger and Greenback movements. In the late eighties the Populist party sprang up and Iowa again took a part because the evils of that day — expansion, overproduction, unemployment, falling prices, and agricultural failures — had caused discontent among her citizens. It is on the Populist revolt that Professor Hicks focuses his attention.

The first half of the book presents the frontier background, a description of Southern agriculture after the Civil War, the grievances of the West, the Farmers' Alliance and its activities, and the election of 1890. With this background the author then treats of the birth of the Populist party and the election of 1892. The

substantial victories of that campaign did not result in complete control of any State, however, and the Populists turned to free silver which apparently had struck the most responsive chord among the discontented. The author concludes with Bryan's defeat in 1896, the adoption of a middle-of-the-road policy, and a summarization of the contributions of the party.

Although leaning heavily on the books and monographs of the past quarter century, the author has dug deep into the sources and unearthed much that is fresh and interesting. His deft synthesis of materials makes of the completed product the most scholarly piece of work on the subject. Iowans will read with pleasure of those exciting and trying times when James B. Weaver, "Sockless" Jerry Simpson, and Ignatius Donnelly were picturesque national characters.

Ethnobotany of the Ojibwe Indians, by Huron H. Smith, has recently been published as Vol. IV, No. 3, of the *Bulletin of the Public Museum of the City of Milwaukee*.

The April number of *Americana* contains an article by Maurice E. Wilson on *Washington and Jefferson, the Oldest College West of the Alleghanies*.

The third number of Vol. 87 of the *Smithsonian Miscellaneous Collections* contains an illustrated article by David I. Bushnell, Jr., on *Seth Eastman: The Master Painter of the North American Indian*.

Dollard Des Ormeaux and the Fight at the Long Sault, by E. R. Adair and Gustave Lanctot; *A Footnote to the Quebec Act*, by Louise Phelps Kellogg; and *Migration Movements in Canada, 1868-1925*, are articles in the June issue of the *Canadian Historical Review*.

The Agricultural Surplus: A Problem in History, by Frederic L. Paxson; *The Cattle Trade from the Far Northwest to Montana*, by J. Orin Oliphant; and *Agricultural Adaptation in England, 1875-1900*, by Raymond Phineas Stearns, are the three articles in the April number of *Agricultural History*.

The *New York History* magazine for January contains the following articles: *The Romance of the Old Road*, by Dixon Ryan Fox; *Mohawk Martyr Missionaries*, by John J. Wynne; and *Early Railroads in New York*, by Edward Hungerford. The April number contains four articles: *Washington's Relations to New York*, by A. C. Flick, L. F. Bellinger, N. B. Alter, and J. W. Gott; *John Bigelow and Napoleon III*, by Poultney Bigelow; *Eliphalet Nott*, by Joseph Rotundo; and *Union College and the West*, by F. L. Bronner.

An account of the meeting of the American Historical Association at Minneapolis, Minnesota, on December 28, 29, 30, 1931, appears in *The American Historical Review* for April. *The French Commune and the English Borough*, by Carl Stephenson; and *The Rise of the Ottoman Turks and its Historical Background*, by William L. Langer and Robert P. Blake, are the two articles in this number. Under *Notes and Suggestions* Mitchell B. Garrett contributes *The Call for Information Concerning the States-General in 1788*. The *Documents* include *Advertising a Medieval University*, contributed by Dorothy Louise Mackay, and *Dr. Channing and the Creole Case*, contributed by Granville Hicks.

The Norwegian-American Historical Association has recently published the sixth volume of the *Norwegian-American Studies and Records*. The volume includes the following papers and articles: *Norwegians in the Selkirk Settlement, 1815-1870*, by Paul Knaplund; *Claus L. Clausen: Pioneer Pastor and Settlement Promoter: Illustrative Documents*, translated and edited by Carlton C. Qualey; *Lars Davidson Reque: Pioneer*, by Sophie A. Bøe; *A Pioneer Pastor's Journey to Dakota in 1861*, by Abraham Jacobson; *The Campaign of the Illinois Central Railroad for Norwegian and Swedish Immigrants*, by Paul W. Gates; *Norwegians at the Indian Forts on the Missouri River During the Seventies*, by Einar Haugen; *The Convention Riot at Benson Grove, Iowa, in 1876*, by Laurence M. Larson; *Björnson's Reaction to Emigration*, by Arne Odd Johnsen; *Alexander Corstvet and Anthony M. Rud, Norwegian-American Novelists*, by Albert O. Barton; *The Norwegian-American Historical Museum*, by Knut Gjerset; *Norwegian Migra-*

tion to America before the Civil War, by Brynjolf J. Hovde; and a second installment of *Some Recent Publications Relating to Norwegian-American History*, by Jacob Hodnefeld.

WESTERN AMERICANA

A brief pamphlet by Thos. H. Doyle entitled *History of the Oklahoma Historical Society*, has recently been issued.

The *Indiana History Bulletin* for March contains a monograph by Harold C. Feightner on *Indiana County Government*.

The Mississippi River and Valley, a bibliography mostly non-technical, compiled by H. E. Haferkorn, has been published by the Engineer School, Fort Humphreys, Virginia.

Brief Biographies of the Figurines on Display in the Illinois State Historical Library, compiled by Georgia L. Osborne and Emma B. Scott, has recently been published in pamphlet form.

The Oklahoma Tax Economy Association, with John E. Brindley as Director of Research, has recently published a *Preliminary Survey of the County Finance of the State of Oklahoma*.

The Extent and Importance of Federal Naval Raids on Salt-Making in Florida, 1862-1865, by Ella Lonn, is one of the articles in the April number of *The Florida Historical Society Quarterly*.

Federal Reserve Bank Policy in Iowa, part of a thesis by Ralph Russell Pickett, has been reprinted from *Studies in Business Administration*, Vol. II, No. 3, published by the University of Chicago.

The Juvenile Court Movement in Indiana, by James A. Collins; *Isaac Hoover Julian*, by Mrs. Grace Julian Clarke; and *The Louisville and Portland Canal*, by Heber P. Walker, are articles in the *Indiana Magazine of History* for March.

Red River Valley Wheat: 1917, by William A. Titus, and *Lynch Law in North Dakota*, by Julian Gerhard Wick, are two articles of interest in the Winter Number of *The Quarterly Journal* published by the University of North Dakota.

The Venerable Antonio Margil de Jesus, by Peter P. Forrestal; *The Erection of the Diocese of Davenport*, by Charles F. Griffith; and *The First Mission to the Sioux*, by Nancy Ring, are articles in the April issue of *Mid-America*.

Experimental Agriculture on the Spur Ranch, 1885-1904, by W. C. Holden; *The Fee System as a Method of Compensation for the Texas County Officials*, by S. B. McAlister; and *Financial Aspects of the Public Lands in Texas*, by Aldon S. Lang, are three of the articles in *The Southwestern Social Science Quarterly* for June.

The Early History of Madison County, by William Chenault; and *The Logan Family of Lincoln County, Kentucky*, by Hattie M. Scott, are two articles in the April, 1932, number of *The Register of the Kentucky State Historical Society*.

The April number of *The Filson Club History Quarterly* contains the following articles: *Our Pioneer Heroine of Surgery — Mrs. Jane Todd Crawford*, by Mrs. Arthur Thomas McCormack; and *Benedict J. Webb, Kentucky Historian*, by J. Stoddard Johnston.

The Colorado Magazine for May contains the following articles and papers: *A Populist Newspaper of the Nineties*, by Leon W. Fuller; *Pagosa Springs, Colorado*, by Laura C. Manson White; and *Claims and Jurisdictions over the Territory of Colorado Prior to 1861*, by LeRoy R. Hafen.

Birdstones of North America, by Jos. Ringeisen, Jr.; *The Lake Geneva Centennial*, by Paul B. Jenkins; *Archaeological Surveys*, by Carl E. Guthe; and *Report of Survey Work in Sauk County*, by Milton F. Hulburt, are some articles appearing in the January number of *The Wisconsin Archeologist*.

New Excavations in Wisconsin Hopewell Mounds, by W. C. McKern; *Indian Place Names in Wisconsin*, by Huron H. Smith; *Why Bother about Bones?* by Alton K. Fisher; and *Winnebago Dog Myths*, by W. C. McKern, are among the articles included in the *Year Book of the Public Museum of the City of Milwaukee* for 1930.

Three documents reprinted from *The Frontier*, a magazine published by the State University of Montana, have appeared under the caption *Sources of Northwest History*. They are: *A Wisconsin Youth in Montana 1880-1882*, by John R. Barrows; *Montana As It Is*, by Granville Stuart; and *A Trip to the States in 1865*, by J. Allen Hosmer.

Among the articles in the April number of the *Ohio Archeological and Historical Quarterly* the following are of interest to Iowans: *Economic Progress of Ohio, 1800-1840*, by Paul W. Stoddard; *Development of the Judicial System of Ohio*, by F. R. Aumann; *Charles Willing Byrd*, by W. H. Burtner, Jr.; and *Burke Aaron Hinsdale*, by Harold E. Davis.

Fort McIntosh, by Louis E. Graham, and part two of *The Marquis Duquesne, Sieur de Menneville, Founder of the City of Pittsburgh*, by Charles W. Dahlinger, are the two articles which appear in the *Western Pennsylvania Historical Magazine* for May. This number also includes an account of the Historical Society of Western Pennsylvania in 1931.

The Missouri Historical Review for April contains the following articles: *Pritchett College*, by T. Berry Smith; and *The "Ringer Sale"*, by George Munger. Three serials are also continued in this issue: *Selections From the Autobiography of Governor T. T. Crittenden*, Part III; *Joseph B. McCullagh*, Part VII, by Walter B. Stevens; and *Joseph Pulitzer*, Part VI, by George S. Johns.

The April number of the *New Mexico Historical Review* contains the following articles: *Octaviano Ambrosio Larrazolo*, by Paul A. F. Walter; *Indian Labor in the Spanish Colonies* (1), by Ruth Kerns Barber; *Commercial Conditions in Mexico at the End of the Colonial Period*, by Lillian E. Fisher; and *Some Supplementary New Mexican Imprints, 1850-1860*, by Douglas C. McMurtrie.

The Journal of the Illinois State Historical Society for October, 1931, contains a long article on Dr. Charles Chandler — *His Place in the American Scene*, by Josephine Craven Chandler. In addition there are *Civil War Letters of Winthrop S. G. Allen*, edited

by Harry E. Pratt, and *Last Official French Report on the Western Posts*, by William Renwick Riddell.

The following articles and documents appear in the April issue of *The Louisiana Historical Quarterly: The Cause and Results of the Revolution of 1768 in Louisiana*, by James E. Winston; *Louisiana in the Disputed Election of 1876, IV* (Conclusion), by Fanny Z. Lovell Bone; *The Diplomatic Career of Pierre Soulé*, by J. A. Peinecke, Jr., and accounts of the various memorial services in honor of Grace King.

The April number of the *North Dakota Historical Quarterly* contains the following articles and documents: *The Custer Myth*, by P. E. Byrne; *Some Official Aspects of the Fur Trade in the Northwest, 1815-1825*, by Edgar B. Wesley; *The Advent of the American Indian into North Dakota*, by J. M. Gillette; *Pioneer Printing in North Dakota*, by Douglas C. McMurtrie; and *A Journey to the Forks of the Red River of the North in 1860*, edited by Arthur H. Moehlman.

The May number of *The Kansas Historical Quarterly* contains the following articles and documents: *Extracts from Diary of Captain Lambert Bowman Wolf*, edited by George A. Root; *General Blunt's Account of His Civil War Experiences*, by James G. Blunt; *United States Surveyors Massacred by Indians*, by Mrs. F. C. Montgomery; and *Some Phases of the Industrial History of Pittsburg, Kansas*, by Fred N. Howell.

American Civilization Comes to the Old Northwest, by Beverley W. Bond, Jr.; *The Founding of New Madrid, Missouri*, by Max Savelle; *Colonel Harvey and His Forty Thieves*, by James C. Malin; *George Bancroft, Historian of the American Republic*, by Watt Stewart; *Date Inaccuracies in Jefferson's Writings*, by Charles M. Thomas; and "A Letter from Kentucky", by G. Hubert Smith, are the articles and documents contained in *The Mississippi Valley Historical Review* for June.

The Muskogee Historical Society, by Parthenia Gregory; *Events Among the Muskogees During Sixty Years*, by C. W. Turner; *Engagement at Cabin Creek, Indian Territory, July 1 and 2, 1863*,

by Annie Rosser Cubage; *Chief Isparhecher*, by John Bartlett Meserve; a continuation of *The Choctaw Academy*, by Carolyn Thomas Foreman; and the third and last chapter of *The Opening of the Cherokee Outlet*, by Joe B. Milam, are the papers and articles in the March number of the *Chronicles of Oklahoma*.

Maclaurie's Travels Through America: A Pirated Account of Sir Alexander Mackenzie's Voyages, by F. W. Howay; *David Thompson's Journeys in the Pend Oreille Country*, by T. C. Elliott; *What Mining Has Done for British Columbia*, by Dale L. Pitt; *Amor DeCosmos, A British Columbia Reformer*, by Margaret Ross; *Clarence Booth Bagley*, by Edmond S. Meany; and *The Dispute Over the San Juan Islands Water Boundary*, by Alfred Tunem, are the articles and papers in the April issue of *The Washington Historical Quarterly*. The *Narrative of James A. Longmire, A Pioneer*, is continued in this number.

The *Journal of the Illinois State Historical Society* for January, 1932, contains the following articles and papers: *Washington and the Western Fronts, 1753-1795*, by Frederic L. Paxson; *Doctors John Gale and Richard M. Coleman*, by the Rock Island County Medical Society; *United States Army Surgeons at Fort Armstrong*, by John H. Hauberg; *Morgan County Soldiers of 1812*, by Sara John English; *Des Plaines Camp Meeting, Des Plaines, Illinois, August, 1860*, by Rev. John O. Foster; *When the Gratiots Came to Galena*, by Florence Gratiot Bale; and *Dedicatory Address upon the Unveiling of a Statue of Abraham Lincoln at Clinton, Illinois, Armistice Day, November 11, 1931*, by Lawrence B. Stringer.

The 1931 *Transactions of the Illinois State Historical Society* contains the following articles and papers: *Illinois and the Gold-Silver Controversy, 1890-1896*, by James A. Barnes; *Early Music and Musicians in Illinois*, by W. D. Armstrong; *Greene Vardinran Black, 1836-1915*, by Bessie M. Black; *An Outline of the History of Architecture in Illinois*, by Thomas E. O'Donnell; *Leaders in American Immigration*, by Theodore C. Blegen; *John W. Vance and the Vermilion Salines*, by Clint Clay Tilton; *Presentation of Bronze Bust of Mrs. Myra Bradwell, First Woman Lawyer of Illinois*, by Mrs. Eleanor Gridley; and *Lincoln and Lamon: Partners and Friends*, by Clint Clay Tilton.

Washington's Camp Sites on the Ohio River, by Guy-Harold Smith; *George Washington's Interest in the Ohio Country*, by C. B. Galbreath; *Cornelius Sedam and his Friends in Washington's Time*, by Mrs. Emma S. Backus; *Journal of Ensign William Schillinger, a Soldier of the War of 1812*, with an introduction by James A. Green; *Old Ohio River Steamboat Days*, by W. G. Sibley; *Antecedent Experience of William Maxwell, Ohio's First Printer*, by Douglas C. McMurtrie; *Dr. William A. Galloway*; and *The First Republican Form of Government in America*, by David Davis, are the papers and articles in the *Ohio Archaeological and Historical Quarterly* for January.

IOWANA

Wild Life in Early Iowa, by Mary E. Moser; and *Newspapering in the Eighties and Nineties*, by William O. Payne, are articles in the April and May issues of *Midland Schools*.

The Iowa Catholic Historical Review for April contains the following articles: *Catholic Writers of Iowa*, by Anne Meysembourg Stuart; and *Canon Vivaldi's Missionary Activities*, by Sister Grace McDonald.

Dr. Isaac H. Harriott, by F. I. Herriott; and *William Salter — Philomathian*, by Philip D. Jordan, are the two articles in the *Annals of Iowa* for April, 1932. A short sketch of the life and work of William Loudon, inventor and manufacturer of barn equipment, is included.

Iowa Criminal Justice, by Rollin M. Perkins, has been published as the first number of the *University of Iowa College of Law Studies in Criminal Law and Administration*, which appears as a supplement to the May number of the *Iowa Law Review*.

Present Patent System Characterized by Dependence Upon Legal Support, by John M. Sharf, is one of the articles in *The Iowa Engineer* for April. In the May number, Wilbur S. Carver contributes an article entitled *Dubuque Plant Produces Cornstalk Board on Commercial Basis*.

Dr. Grace Raymond Hebard, Professor of Political Economy at

the University of Wyoming, attended the fiftieth anniversary of her class at the State University of Iowa. Friends at the University of Wyoming recently gave a dinner in Dr. Hebard's honor, celebrating her seventieth birthday. Her book on "Sacajawea" is to be published this fall.

The Minority Stockholder and Intracorporate Conflict, by Norman D. Lattin; a second installment of the *Commentary on the Iowa Workmen's Compensation Act*, by Maurice H. Merrill; part two of *Preparatory Work in the Interpretation of Treaties*, by Robert W. Miller; and *Right to Tax and to Take by Eminent Domain in the Construction of Public Buildings*, by Julius R. Bell, are the four articles in the *Iowa Law Review* for March, 1932.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aldrich, Bess Streeter,

The Runaway Judge (Ladies' Home Journal, July, 1932).

Anderson, Maxwell,

Night Over Taos (play). New York: Samuel French. 1932.

Aumann, Francis R.,

The Development of the Judicial System of Ohio (Ohio Archaeological and Historical Quarterly, April, 1932).

Statutory Beginnings of Courts in Iowa (The Iowa Journal of History and Politics, April, 1932).

Austin, Anne,

One Drop of Blood. New York: The Macmillan Company. 1932.

Baker, Margaret, (Joint author)

Peacock Eggs. New York: Duffield and Company. 1932.

Betts, George Herbert,

Character Outcome of Present-Day Religion. New York: The Abingdon Press. 1932.

Bradshaw, Wm. L.,

The County Consolidation Movement (The Southwestern Social Science Quarterly, March, 1932).

Briggs, Mitchell Pirie,

George D. Herron and the European Settlement. Stanford University: Stanford University Press. 1932.

Brindley, John E.,

What We May Expect of the Survey and the Oklahoma Tax Economy Association (The Oklahoma Taxpayer, April, 1932).

Brown, Albert Ernest,

The Effectiveness of Large Classes at the College Level: An Experimental Study Involving the Size Variable and the Size-Procedure Variable (University of Iowa Studies in Education, Vol. VII, No. 3). Iowa City: State University of Iowa. 1932.

Brueckner, Leo John,

Improving Pupils' Ability to Solve Problems (Proceedings and Addresses of the National Education Association, June, 1932).

Burlingame, Merrill G.,

The Contribution of Iowa to the Formation of the State Government of California in 1849 (The Iowa Journal of History and Politics, April, 1932).

Carman, J. Ernest,

Further Studies of the Pleistocene Geology of Northwestern Iowa (Iowa Geological Survey, Vol. XXXV).

Carver, Thomas Nixon,

Capitalism Survives (Current History, April, 1932).

Chase, Lucile,

Motivation of Young Children (University of Iowa Studies in Child Welfare, Vol. V, No. 3). Iowa City: State University of Iowa. 1932.

Coates, Grace Stone,

Mead & Mangel-Wurzel. Caldwell, Idaho: Caxton Printers. 1932.

Conard, H. S., (Joint author)

A Key to the Mosses of the Okoboji Region (University of Iowa Studies in Natural History, Vol. XIV, No. 7). Iowa City: State University of Iowa. 1932.

Cook, Mrs. Elizabeth,

Philosophy or a New Hat (Good Housekeeping, April, 1932).

Cook, Mrs. Elizabeth, (Joint author)

Raising a Family (Ladies' Home Journal, April, May, June, 1932).

Devitt, Tiah,

The Aspirin Age. New York: Covici, Friede. 1932.

Dutton, Charles J.,

Poison Unknown. New York: Dodd, Mead and Company. 1932.

Samaritans of Molokai. New York: Dodd, Mead and Company. 1932.

Failor, C. W.,

Guidance and Counseling in Iowa High Schools (Midland Schools, May, 1932).

Ficke, Arthur Davison,

To a Friend (poem) (Saturday Review of Literature, March 5, 1932).

Findlay, C. V.,

Planning the Community (The Iowa Transit, April, 1932).

Finger, Charles Joseph,

Foot-Loose in the West. New York: William Morrow and Company. 1932.

Flickinger, Roy C.,

The Work and Preparation of Latin Teachers in Iowa (Reprinted from The Classical Journal, Vol. XXVII, June, 1932).

Garver, Frank Harmon,

The Transition from the Continental Congress to the Congress

of the Confederation (The Pacific Historical Review, June, 1932).

Gilfillan, S. Columb,

Inventions and Discoveries (American Journal of Sociology, May, 1932).

Goodrich, Herbert F.,

Our Black Ink Balance (The American Law School Review, April, 1932).

Gould, Bruce,

Hat of a Thousand Plops (The Saturday Evening Post, May 14, 1932).

Love — Forty (The Saturday Evening Post, June 25, 1932).

Gould, Gerald,

All About Women; Essays and Parodies. New York: E. P. Dutton & Company. 1931.

Green, Howard R.,

Financing Sewage Disposal (Engineering Extension Bulletin No. 110). Ames: Iowa State College. 1932.

Griffith, Charles F.,

The Erection of the Diocese of Davenport (Mid-America, April, 1932).

Hall, James Norman,

Starry Night at Arué (poem) (The Literary Digest, May 28, 1932).

Hammond, William G.,

Plan of a Textbook of Law (Iowa Law Review, May, 1932).

Hart, H. Hornell,

Plans for City Police Jails and Village Lockups. New York: Russell Sage Foundation. 1932.

Hart, Hornell Norris,

Technique of Social Progress. New York: Henry Holt and Company. 1932.

Haugen, Einar,

Norwegians at the Indian Forts on the Missouri River During the Seventies (Norwegian American Studies and Records, Vol. VI). Northfield, Minn.: Norwegian-American Historical Society. 1931.

Hearst, James,

Robin in the Straw (The Midland, March-April, 1932).
Seeding (poem) (The Midland, March-April, 1932).

Herriott, Frank I.,

Dr. Isaac H. Harriott (Annals of Iowa, April, 1932).

Hueston, Ethel Powelson, (Mrs. E. J. Best)

Good Times. Indianapolis: The Bobbs-Merrill Company. 1932.

Huston, Wallace,

Allocation of Corporate Net Income for Purpose of Taxation (Illinois Law Review, March, 1932).

Jensen, Marie,

Just Beyond. Boston: Meador Pub. Co. 1932.

Jaeger, Oscar,

The Great Grand Canyon Adventure. Dubuque: Published by the author. 1932.

Johnson, Wendell,

The Influence of Stuttering on the Personality (University of Iowa Studies in Child Welfare, Vol. V, No. 5). Iowa City: State University of Iowa. 1932.

Kantor, McKinley,

The Jaybird. New York: Coward McCann. 1932.

Knibbs, Henry Herbert,

That Colt Pericles (The Saturday Evening Post, May 21, 1932).

Knipe, Alden Arthur,

Everybody's Washington. New York: Dodd, Mead and Company. 1932.

Kresensky, Raymond,

Pray with the Hands (poem) (Christian Century, June 1, 1932).

Laudon, Lowell R.,

The Stratigraphy of the Kinderhook Series of Iowa (Iowa Geological Survey, Vol. XXXV).

Lechlitner, Ruth, (Mrs. Paul Corey)

Song for Robert Herrick (The Nation, May 18, 1932).

Le Cron, Helen Cowles, (Joint author)

How To Be a Clubwoman. New York: D. Appleton and Company. 1932.

Lees, James H.,

Mineral Production in Iowa in 1928 and 1929 (Iowa Geological Survey, Vol. XXXV).

Lynn, Joseph Victor,

Elements of Response to Federal Stimulus in Vocational Education (Industrial Arts and Vocational Education, June, 1932).

MacRae, Donald E.,

Love (The Midland, March-April, 1932).

Mahan, Bruce E.,

John Van Fleet Crum (The Palimpsest, June, 1932).

Manning, John W.,

County Consolidation as a Means of Tax Reduction (The South Atlantic Quarterly, April, 1932).

Martin, Herbert,

The Ethics of Business Ethics (Journal of Business, April, 1932).

May, Earl Chapin,

The Circus from Rome to Ringling. New York: Duffield & Green. 1931.

Merriam, Charles E.,

Primaries and the Machinery of Their Operation. Chicago: University of Chicago Press. 1932.

Reducing Governmental Costs (Oklahoma Municipal Review, June, 1932).

Miller, A. K.,

The Mixochoanitic Cephalopods (University of Iowa Studies in Natural History, Vol. XIV, No. 4). Iowa City: State University of Iowa. 1932.

Moodie, Roy L.,

On a New Specimen of a Paleoniscid Brain from Iowa (Iowa Geological Survey, Vol. XXXV).

Moser, Mary E.,

Wild Life in Early Iowa (Midland Schools, April, 1932).

Mott, John Raleigh,

Liberating the Lay Forces of Christianity. New York: The Macmillan Company. 1932.

Nauman, E. D.,

Roasted Eggs (The Palimpsest, May, 1932).

Newton, Joseph Fort, (Editor)

If I Had Only One Sermon to Prepare. New York: Harper and Brothers. 1932.

Niemeyer, Donald,

The College's Oldest Tradition — The Story of Mecca (The Iowa Transit, March, 1932).

Parker, Maude,

Is There an American Aristocracy? (The Saturday Evening Post, June 4, 1932).

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Newspapering in the Eighties and Nineties (Midland Schools, May, 1932).

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Iowa Criminal Justice (Iowa Law Review, May, 1932, Supplement).

- Petersen, William J.,
Indians and the Steamboats on the Upper Mississippi (The Iowa Journal of History and Politics, April, 1932).
- Petersen, William J., (Joint author)
True Tales of Iowa. Mason City: Yelland & Hanes. 1932.
- Pollock, Ivan L.,
Smith Wildman Brookhart (Congressional Record, March 16, 1932).
- Porter, Kirk H.,
County Consolidation and Lower Taxes (Journal of Business, April, 1932).
- Rowe, Leo Stanton,
Monument to the Discoverer of America and Its Significance (Bulletin of the Pan-American Union, May, 1932).
- Rule, Edith, (Joint author)
True Tales of Iowa. Mason City: Yelland & Hanes. 1932.
- Rutherford, Geddes W.,
American Traditions in Rural Government (Reprinted from Rural Government, Proceedings of the 14th American Country Life Conference).
- Scanlan, Marian, (Joint author)
Basil Giard and His Land Claim in Iowa (The Iowa Journal of History and Politics, April, 1932).
- Scanlan, Peter, (Joint author)
Basil Giard and His Land Claim in Iowa (The Iowa Journal of History and Politics, April, 1932).
- Shepherd, W. G.,
Holiday for Fear (Collier's Weekly, April 9, 1932).
Tax Everyone but Me (Collier's Weekly, March 26, 1932).
- Shimek, Bohumil,
The Story of a Pioneer Educator Harvey Philetus Philbrick, M. S., C. E. (The Iowa Transit, March, 1932).

Sipple, Chester E.,

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Sklovsky, Max,

Some Material and Social Aspects of Mass Production (Journal of Business, April, 1932).

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Iowa Law of Estoppel by Record and Estoppel in Pais (Iowa Law Review, May, 1932).

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What Europe Wants (The Saturday Evening Post, June 25, 1932).

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The Dakota Stage of the Type Locality (Iowa Geological Survey, Vol. XXXV).

Thompson, James Westfall,

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The Elimination of Technical Errors in Written Composition

Through Formal Drill (University of Iowa Studies in Education, Vol. VIII, No. 2). Iowa City: State University of Iowa. 1932.

Tjernagel, N.,

The Riverside Band (The Palimpsest, May, 1932).

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Extension of the Undergraduate Law Course to Four Years
(The American Law School Review, April, 1932).

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Sacred and Profane Memories. New York: Alfred A. Knopf. 1932.

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First in the Mile Relay (The Palimpsest, May, 1932).

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Flood-fighters. Boston: Houghton Mifflin Co. 1932.

Willson, Dixie,

Where the World Folds Up At Night. New York: D. Appleton and Company. 1932.

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The Narrow Gauge (The Palimpsest, April, 1932).

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A Key to the Mosses of the Okobojo Region (University of Iowa Studies in Natural History, Vol. XIV, No. 7). Iowa City: State University of Iowa. 1932.

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

Early Mahaska history, in the *Fremont Gazette*, February 11, 25, 1932.

Grandfather of Iowa man inherited land once bought by Washington, in the *New Sharon Star*, February 11, 1932.

Sigourney named county seat in 1844, in the *Cedar Rapids Gazette*, February 14, 1932.

Iowa world war flags displayed in State capitol, in the *Des Moines Tribune*, February 16, 1932.

Sketch of the life of Charles Atherton Cumming, in the *Des Moines Register*, February 17, 1932.

Sketch of the life of Mrs. Sarah Conger, in the *Des Moines Tribune*, February 18, 1932.

Peter Kruse tells of Sioux County grasshopper invasion, in the *Sioux City Journal*, February 21, 1932.

Sketch of the life of Mrs. O. P. Shiras, in the *Dubuque Telegraph-Herald*, February 21, 1932.

Iowa City visited by several United States presidents, in the *Iowa City Press-Citizen*, February 23, 1932.

Peter Williams built first house in Fort Madison, in the *Fort Madison Democrat*, February 23, 1932.

Pioneer women faced many perils on the prairie, in the *Lake Mills Graphic*, February 24, 1932.

Nicholas Van Lint came to Pella in 1847, in the *Pella Press*, February 24, 1932.

Beginnings of Catholicism in Sigourney, in the *Keokuk County (Sigourney) News*, February 25, 1932.

Wolf hunting was popular sport in Mahaska County, in the *Fremont Gazette*, February 25, 1932.

Early days at Arnold's Park, in the *Spirit Lake Beacon*, February 26, and the *Spencer News-Herald*, March 4, 1932.

Mr. and Mrs. John Duncan married fifty years ago, in the *Clarinda Herald*, February 26, 1932.

Mrs. Mary Brown recalls pioneer hardships, in the *Fairfield Ledger*, February 26, 1932.

Mrs. John Scrimiger came to Floyd County in 1855, in the *Charles City Press*, February 26, 1932.

Federal Court established at Burlington in 1849, in the *Keokuk Gate City*, February 29, 1932.

High points in the history of Chariton, by Theo Rosa, in the *Chariton Leader*, March 1, 1932.

Sketch of the life of R. A. Hasselquist, in the *Chariton Leader*, March 1, 1932.

General Nathan Lyon owned land in Sioux City, in the *Sioux City Journal*, March 2, 1932.

The Spirit Lake Massacre, by Hattie P. Elston, in the *Spirit Lake Beacon*, March 3, the *Spencer News-Herald*, March 4, and the *Primghar Bell*, March 9, 1932.

Geological and historical study of Crooked Creek, by Charles Berdo, in the *Washington Journal*, March 4, 1932.

Bohumil Shimek has studied Iowa wild life for half a century, by Adeline Taylor, in the *Cedar Rapids Gazette*, March 6, 1932.

Many raft boats built at Le Claire, by Walter A. Blair, in the *Davenport Democrat*, March 6, 13, 20, 1932.

S. W. Ruemper bought town site without seeing purchase, in the *Eldora Herald-Ledger*, March 10, 1932.

James P. Lane was kidnapped by Indians, in the *Dyersville Commercial*, March 10, 1932.

Sketch of the life of Frederick D. Steen, in the *Davenport Times*, March 10, 1932.

Commission selected Oskaloosa as county seat in 1844, in the *Fremont Gazette*, March 10, 1932.

Sketch of the life of J. H. Applegate, in the *Des Moines Register*, March 14, and the *Guthrie Center Guthrian*, March 16, 1932.

Indians in Spirit Lake Massacre lived in Sac County, in the *Sac Sun*, March 10, 1932.

Race riot on steamboat *Dubuque* recalled by A. L. Stetson, in the *Clinton Herald*, March 12, 1932.

Spirit Lake Massacre, by A. D. Stefferud, in the *Council Bluffs Nonpareil*, March 13, 1932.

Picture of first railroad depot at Davenport, in the *Council Bluffs Nonpareil*, March 14, 1932.

Judge James D. Smyth served Burlington district forty-one years, in the *Burlington Gazette*, March 15, 1932.

Sketch of the life of Chief Wapello, in the *Fairfield Ledger*, March 15, 1932.

Mrs. R. A. Henderson tells unwritten Sioux City history, in the *Sioux City Tribune*, March 16, 1932.

Mr. and Mrs. A. B. Sparks lived at Boone many years, in the *Boone Republican*, March 16, 1932.

Sketch of the life of Harry L. Marshall, in the *Des Moines Register*, March 17, 1932.

Early settlers planted orchards, by Arthur Goshorn, in the *Afton Star-Enterprise*, March 17, 1932.

Mastodon's tooth found near Missouri Valley, in the *Logan Herald*, March 17, 1932.

Sketch of the life of Mrs. J. D. Hunter, in the *Bloomfield Democrat*, March 17, 1932.

Mrs. Elizabeth M. Upright gave ten sons to Civil War, in the *Rockford Register*, March 17, 1932.

Find program of Agency Fair in 1886, in the *Ottumwa Courier*, March 17, 1932.

Iowa City was eager to secure railroad, in the *Iowa City Press-Citizen*, March 19, 1932.

James Fox Abrahams, Burlington poet, lies in unmarked grave, in the *Burlington Hawkeye*, March 20, 1932.

Sketch of the life of Liston McMillen, in the *Oskaloosa Herald*, March 22, 1932.

Sketch of the life of Judge C. H. Kelley, in the *Greene Recorder*, March 23, 1932.

Frank Gotch was greatest wrestler in history, by J. C. Marsh, in the *Humboldt Republican*, March 25, 1932.

Harriet Kingman describes early Iowa blizzards, in the *Traer Star-Clipper*, March 25, 1932.

Amasa L. Merchant of Logan recalls pioneer days, in the *Council Bluffs Nonpareil*, March 27, 1932.

Noted suffragist lectured in Mason City in 1876, in the *Mason City Globe-Gazette*, March 27, 1932.

Sketch of the life of Leslie M. Shaw, in the *Des Moines Tribune* and *Council Bluffs Nonpareil*, March 28, and the *Sioux City Journal*, April 3, 1932.

Hardin County swept by tornado in 1860, in the *Marshalltown Times-Republican*, March 28, 1932.

Pre-revolutionary watch owned by John Huyck of Kanawha, in the *Mason City Globe-Gazette*, March 29, 1932.

Mrs. H. E. Blasier has Black Hawk's powder horn, in the *Cedar Rapids Gazette*, March 30, 1932.

Sketch of the life of David S. Fleck, in the *Jasper County* (Newton) *Record*, March 31, 1932.

Son of Daniel Boone travelled through what is now Boone County, in the *Madrid Register-News*, March 31, 1932.

Roy A. Friedel discovers Indian village site near Burlington, in the *Des Moines Register*, March 31, 1932.

Sketch of the life of Lafayette Higgins, in the *Des Moines Register*, April 3, 1932.

Soldiers of Revolutionary War buried in Iowa, in the *Des Moines Register*, April 3, 1932.

Maple sugar camp near Janesville, in the *Cedar Falls Record*, April 5, 1932.

First Boone County orchard planted in 1854, in the *Madrid Register-News*, April 7, 1932.

Tilmon Harmon helped build tunnel in Devil's Backbone, in the *Winterset News*, April 7, 1932.

Sketch of the life of George Bancroft, single tax proponent, in the *Winterset News*, April 7, 1932.

Sketch of the life of Mrs. Abbie J. Foster, in the *Hardin County* (Iowa Falls) *Citizen*, April 7, 1932.

Early days in Creston, by George A. Ide, in the *Creston News Advertiser*, April 8, 1932.

Livonia was rival of Mason City for county seat, in the *Mason City Globe-Gazette*, April 9, 1932.

B. H. Beane has many fossils from Le Grand quarry, in the *Marshalltown Times-Republican*, April 9, 1932.

Early Methodist churches in Washington, by Edwin H. Griffith, in the *Washington Journal*, April 9, 1932.

Sketch of the life of Ole O. Roe, in the *Des Moines Register* and the *Nevada Journal*, April 12, 1932.

John M. Lindly, genealogist, wins national recognition, in the *Winfield Beacon*, April 14, 1932.

Sketch of the life of Harry C. Evans, in the *Bloomfield Democrat*, April 14, 1932.

Early days in Tama County, in the *Toledo Chronicle*, April 14, 1932.

Sketch of the career of Dr. E. A. Crouse, in the *Grundy* (Center) *Register*, April 14, 1932.

Mrs. Sigrid Halseth is sole survivor of group who founded First Lutheran Church, in the *Sioux City Journal*, April 14, 1932.

Before railroads came to Page County, in the *Clarinda Herald*, April 16, 1932.

Trial of Indian murderer on present site of Princeton, by John Knox, in the *Davenport Democrat*, April 17, 1932.

Mrs. Robert Alexander suggested establishment of Upper Iowa University, in the *Cedar Rapids Gazette*, April 17, 1932.

D. C. Wilson recalls old times about Manson, in the *Manson Journal*, April 21, 1932.

Sketch of the life of Senator James A. White, in the *Davenport Catholic Messenger*, April 21, 1932.

Mrs. F. L. Paine knew Lincoln, in the *Des Moines Tribune*, April 21, 1932.

Isaac Overkamp wrote of Pella in 1848, in the *Pella Chronicle*, April 21, 1932.

Eagle found on Iowa prairies, in the *Waterloo Courier*, April 22, 1932.

Fairfield was named in old Bonnifield home, in the *Ottumwa Courier*, April 22, 1932.

C. A. Hornaday displays 1,000 arrow heads at Udell, in the *Ottumwa Courier*, April 22, 1932.

Salem noted point on underground railroad, in the *Ottumwa Courier*, April 25, 1932.

Herman Carlson has interesting collection of Indian arrow-heads, in the *Ottumwa Courier*, April 25, 1932.

Early days in Mills County, in the *Glenwood Opinion-Tribune*, April 25, 1932.

Clark Orton finds Indian arrowheads near Algona, in the *Upper Des Moines (Algona) Republican*, April 27, 1932.

Old burr stones part of mill foundation, in the *Sheldon Sun*, April 27, 1932.

Washington, Iowa, in 1866, by H. A. Burrell, in the *Washington Democrat-Independent*, April 28, 1932.

Sketch of the life of Mrs. Louisa Frye, in the *Davenport Democrat*, April 28, 1932.

Early days in Mahaska County, in the *Fremont Gazette*, April 28, May 5, 1932.

Methodist Episcopal church at West Union eighty years old, in the *Cedar Rapids Gazette*, May 1, 1932.

Anna Field established Prairie Home Female Seminary at Waterloo in 1874, by Clarence Ray Aurner, in the *Waterloo Courier*, May 1, 1932.

Sketch of the life of George M. Christian, in the *Grinnell Herald*, May 3, 24, and the *Des Moines Register*, May 4, 1932.

Sketch of the life of Philip Heles, in the *Dubuque Telegraph-Herald*, May 4, 1932.

Mrs. Ann F. Welty lived in Iowa sixty-three years, in the *Shenandoah Sentinel*, May 4, 1932.

Mrs. Elizabeth Stolls tells of pioneer life in Iowa, in the *Dallas County (Adel) News*, May 4, 1932.

Impression of pioneer homes, by Dota Boyd, in the *Colfax Tribune*, May 5, 1932.

Memories of Pella, by W. H. H. Barker, in the *Pella Chronicle*, May 5, 1932.

N. E. Getman writes of early Lyon County, in the *Lyon County (Rock Rapids) Reporter*, May 5, 1932.

Letters of Dr. Isaac H. Harriott reveal settlement of Okoboji region, in the *Sioux City Tribune*, May 6, the *Marshalltown Times-Republican*, May 7, and the *Spirit Lake Beacon*, May 12, 1932.

Sketch of the life of Dr. Bert L. Eiker, in the *Decatur County (Leon) Journal-Reporter*, May 11, 1932.

Early history of southeastern Iowa, in the *Oskaloosa Herald*, May 12, 1932.

Abner Peeler claims invention of first typewriter, in the *Webster City Freeman-Journal*, May 14, 1932.

Sketch of the life of Dr. George Donohoe, in the *Fort Dodge Messenger & Chronicle*, May 14, 1932.

The Washington corn cob pipe factories, by Floyd Thomas Tucker, in the *Washington Journal*, May 14, 1932.

William Stever, pioneer, is related to Washington family, in the *Ottumwa Courier*, May 16, 1932.

J. O. Singmaster imported many Percheron horses, in the *Centerville Iowegian*, May 17, 1932.

Beginnings of education in Muscatine, in the *Muscatine Journal*, May 17, 1932.

Z. T. Hawk recalls old times in Iowa, in the *Denison Bulletin*, May 19, 1932.

Sketch of the life of R. A. Lenocker, in the *Winterset Madisonian*, May 19, 1932.

Horace Greeley paper tells of old times in Iowa, in the *Adams County (Corning) Free Press*, May 19, 1932.

Mrs. Helen Romann is Muscatine's oldest citizen, in the *Muscatine Journal*, May 19, 1932.

Furrow across prairie in 1857 marked Highway No. 3, in the *Bedford Free Press*, May 19, 1932.

Early pioneers of Slaughter or Washington County, in the *Washington Democrat-Independent*, May 19, 1932.

Sketch of the life of W. G. Harrison, in the *Des Moines Register*, May 21, 1932.

David F. Tubbs brought Lincoln to Council Bluffs in buggy, in the *Council Bluffs Nonpareil*, May 23, 1932.

Shingle machine won Denison the county seat, in the *Sioux City Journal*, May 24, 1932.

Sketch of the life of Parley Sheldon, in the *Des Moines Register*, May 23, 1932.

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Plan rock monument for Basil Giard, in the *North Iowa* (McGregor) *Times*, May 26, 1932.

Historical reminiscences, by Millard F. Stookey, in the *Decatur County* (Leon) *Journal-Reporter*, May 26, 1932.

Sketch of the life of Judge James W. Willet, in the *Traer Star-Clipper*, May 27, 1932.

Henry Clay Dean's toast to the pioneer preachers, in the *Burlington Post*, May 28, 1932.

Seek congressional monument for Elizabeth Marchant, in the *Waterloo Courier*, May 29, 1932.

Marker erected at old Camp Tuttle, in the *Oskaloosa Herald*, May 31, 1932.

The blue heron, by Ellis E. Wilson, in the *Waterloo Courier*, May 30, 1932.

Boundary Grove was once flourishing settlement, in the *Clarinda Herald*, June 2, 1932.

Brief history of Wayne Zion Evangelical Lutheran Church, in the *Anamosa Journal*, June 2, 1932.

Sketch of the life of William D. Boies, in the *Sioux City Tribune*, June 2, 1932.

Find mastodon tooth in gravel pit near Alta, in the *Storm Lake Pilot-Tribune*, June 2, 1932.

History of Model Lodge, A. F. & A. M., at St. Charles, by H. A. Mueller, in the *St. Charles News*, June 2, 1932.

Records of the early pioneers of Slaughter or Washington County, 1836-1932, by Mrs. C. A. Speer, in the *Washington Democrat*, June 2, 9, 16, 23, 30, 1932.

The Washington Manufacturing Company, by Raymond Minick, in the *Washington Journal*, June 4, 1932.

Camanche tornado of 1860, in the *Clinton Herald*, June 4, 1932.

Catholic education in pioneer Iowa, by M. M. Hoffmann, in the *Dubuque Tribune*, June 5, 7, 1932.

Mrs. Elizabeth Marchant Upright, buried at Rockford, Iowa, was mother of ten sons who served in the Union Army, in the *Burlington Hawkeye*, June 5, 1932.

Professor Bohumil Shimek has taught in Iowa fifty years, in the *Iowa City Press-Citizen*, June 6, and the *Iowa City Daily Iowan*, June 7, 1932.

A pioneer's race for a farm, by Ellis E. Wilson, in the *Waterloo Courier*, June 7, 1932.

Dr. Grace Raymond Hebard was first woman to receive bachelor of science degree at the State University, in the *Iowa City Daily Iowan*, June 7, 1932.

Malcom Methodist Episcopal Church is fifty years old, in the *Grinnell Herald*, June 7, 1932.

Presbyterian Church at Malcom is sixty-five years old, in the *Grinnell Herald*, June 7, 1932.

Society named for Vinnie Ream Hoxie, in the *Iowa City Press-Citizen*, June 7, 1932.

First furrow in Madison Township, Jones County, was plowed by John Bender, in the *Des Moines Register*, June 8, and the *Wyoming Journal*, June 9, 1932.

William R. McClurg was last survivor of Benton City, in the *Cedar Rapids Gazette*, June 9, 1932.

Sketch of the life of Evans Holbrook, in the *Onawa Democrat*, June 9, 1932.

Chariton Leader celebrates diamond jubilee, in the *Chariton Herald*, June 9, 1932.

Sketch of the life of George W. Catt, in the *Denison Bulletin*, June 9, 1932.

Dr. Oscar L. Olson has spent 37 years at Luther College, in the *Decorah Public-Opinion*, June 9, 1932.

Remains of Indian villages found by Charles R. Keyes, in the *Gilmore City Enterprise*, and the *Hawarden Chronicle*, June 9, and the *Oskaloosa Herald*, June 27, 1932.

Sketch of the activities at the Washington County Farm, by Ernest Marshall, in the *Washington Journal*, June 11, 1932.

Sketch of organization of early Iowa counties, from an address by P. M. Cassady, in the *Burlington Post*, June 11, 1932.

How Black Hawk was buried, in the *Burlington Post*, June 11, 1932.

George B. Leckington to make statue of Black Hawk, in the *Waterloo Courier*, June 12, 1932.

Julius J. Saar drove ox team to the West, in the *Council Bluffs Nonpareil*, June 12, 1932.

College Springs Presbyterian Church celebrates seventy-fifth anniversary, in the *Clarinda Herald*, June 13, 1932.

Chariton is seventy-five years old, in the *Chariton Leader*, June 14, 1932.

Last beaver seen in Pottawattamie County in 1896, in the *Council Bluffs Nonpareil*, June 15, 1932.

Origin of the name Battle Creek, by Gertrude Henderson, in the *Sioux City Journal*, June 15, 1932.

Grinnell tornado occurred fifty years ago, in the *Grinnell Register*, June 16, 1932.

Some history of the old Mormon trail, by J. C. Harvey, in the *Seymour Herald*, June 16, 23, 1932.

Negroes and Mormons in Iowa in 1840, in the *Burlington Post*, June 18, 1932.

Amity Church is seventy-five years old, in the *Clarinda Herald*, June 21, 1932.

Some railroad men of early Iowa, by Joseph N. Redfern, in the *Burlington Gazette*, June 21, 1932.

HISTORICAL ACTIVITIES

A costume ball commemorating the Louisiana Purchase featured the annual dinner of the Missouri Historical Society in the Gold Room of the Hotel Jefferson at St. Louis on April 30th.

A meeting of the Oklahoma Historical Society was held at Tulsa on March 31, 1932. Addresses were delivered by Judge John B. Meserve, Mr. Grant Foreman, and the Honorable Charles Hillman Brough.

The Minnesota Historical Society is conducting a survey of historic sites, markers, and monuments in Minnesota. Willoughby M. Babcock is the director of the survey which has already located nearly two hundred markers and monuments.

The annual meeting of the Ohio State Archaeological and Historical Society took place on April 26th. The guest speaker was Dr. Carl E. Guthe, of the University of Michigan, who spoke on "Outdoor Guiding in History and Pre-history".

The eleventh annual summer convention and tour of the Minnesota Historical Society will be held from July 14-16. Sessions will be held at Alexandria, Fergus Falls, Moorhead, and Lake Itasca. Among the speakers will be Verne E. Chatelain, of Washington, D. C., Clyde A. Duniway of Northfield, William Goetsinger of Elbow Lake, Agnes Larson of Rochester, William A. Marin of Minneapolis, and Dr. Grace Lee Nute and Hon. Julius Schmahl of St. Paul.

The thirty-third annual meeting of the Illinois State Historical Society was held in the Memorial Building at Springfield on May 12-13, 1932. The following addresses have an interest for Iowans: "Historic Landmarks Along the Highways of Illinois", by George Thomas Palmer; "The Black Hawk War", by John H. Hamberg; "George Washington: A Study of His Qualities", by Carl Russell Fish; "Lincoln and the Chicago *Times*", by Mrs. L. E. Ellis; and

"John Kinzie's Place in Chicago History", by James Ryan Haydon.

IOWA

On May 21st the town of Grand Junction celebrated its sixtieth anniversary.

A bronze tablet was erected on June 1st on the site of old Amity College at College Springs.

The Mount Pleasant city council has officially sanctioned observance of the one hundredth anniversary of Henry County.

C. J. Harlan gave a talk on "Early Newspapers of Howard County" at the monthly meeting of the Quill and Scroll Society at Cresco in April, 1932.

A movement is on foot at Indianola to organize a Warren County Historical Society in order to preserve the documents and relics of that region.

A bronze tablet to mark the Henry W. Grout collection of relics at the Black Hawk County courthouse was presented by the Fortnightly Club of Waterloo on April 27, 1932.

St. Paul's Evangelical Church at Valley, Washington County, recently observed its seventy-fifth anniversary. A history of the church and brief sketches of its founders and pastors is contained in the *Washington Journal* for May 28, 1932.

The Iowa Catholic Historical Society held its mid-year meeting at St. Ambrose College, Davenport, on May 31st. William Riley, of Des Moines, who succeeded the late Martin J. Wade of Iowa City as president, presided at the meeting.

A. A. Moore was elected president of the Marshall County Historical Society at the annual meeting held on April 12th at Binford House, Marshalltown. Other officers named were A. L. Beane, vice president; Mrs. E. M. Singleton, secretary; Mrs. Minnie J. Pendleton, treasurer; and Mrs. Ella Mace, curator.

THE STATE HISTORICAL SOCIETY OF IOWA

More than forty radio talks on "Stories Out of Iowa's Past" were given over station WSUI at Iowa City during the past year by Dr. William J. Petersen, Research Associate in the State Historical Society of Iowa.

During the month of April the subject of Black Hawk and the Treaty of 1832 formed the basis of seven radio programs. In addition to the three regular Friday afternoon programs Dr. William J. Petersen addressed the State Federation of Women's Clubs over WSUI on April 14th. Three special features were presented by the State Historical Society as a part of Iowa History Week, including a dramatization of the council on the Iowa, an imaginary conversation with Black Hawk, and the story of the Tama Indians.

Dr. Charles Reuben Keyes, Research Associate of the State Historical Society of Iowa, has discovered two Indian villages four miles from Burlington. Although only two miles apart these villages were occupied by tribes of two distinct families or stocks—the Siouan and the Algonkian. A new chapter in Iowa Indian lore may arise from the discovery. Dr. Keyes is also actively engaged in securing Federal aid to help preserve the effigy mound area of northeastern Iowa. Verne E. Chatelain, chief historian for the national park service, will visit the region in July and report on its fitness to be made a national park.

The following persons have recently been elected to membership in the Society: Mr. L. B. Christman, Springville, Iowa; Mr. Ralph W. Cram, Davenport, Iowa; Mrs. Mary K. Mather, Springdale, Iowa; Mr. H. B. Maynard, Waterloo, Iowa; Mr. Elmer T. Peterson, Des Moines, Iowa; Mr. Merritt C. Speidel, Iowa City, Iowa; Mr. A. F. Andersen, Burlington, Iowa; Mrs. C. E. Beaumont, Clinton, Iowa; Mr. A. F. Beck, Ottumwa, Iowa; Miss Marie Coffin, Springdale, Iowa; Mr. H. G. Conger, Des Moines, Iowa; Mr. Ira N. Davenport, Dubuque, Iowa; Miss Margaret Emerick, Grand Junction, Iowa; Mr. H. D. Evans, Iowa City, Iowa; Rev. Newman Flanagan, Madrid, Iowa; Mr. Robert T. Foster, Ottumwa, Iowa; Mr. W. H. T. Foster, Sioux Falls, S. D.; Rev. Leo J. Gannon, Des Moines, Iowa; Mr. Jacob G. Koenig, Le Mars, Iowa; Mr. Will A.

Lane, Waterloo, Iowa; Mr. H. H. Linton, Carroll, Iowa; Mr. Hanford MacNider, Mason City, Iowa; Mr. Leslie E. Newbro, Iowa City, Iowa; Miss Nellie B. Nichols, West Liberty, Iowa; Miss Adelaide M. Swartzendruber, Kalona, Iowa; Mr. Theodore E. Templeton, Paton, Iowa; Miss May M. Tool, Ackley, Iowa; Mr. Leon J. Zoekler, Davenport, Iowa; Mr. B. C. Berg, Newton, Iowa; Miss Anne Bevan, Marshalltown, Iowa; Mr. W. H. Brock, Newton, Iowa; Mr. S. H. M. Byers, Los Angeles, California; Mr. Edward A. Chappell, Iowa City, Iowa; Mrs. E. Avery Crary, Grundy Center, Iowa; Mr. Thomas F. Crocker, Ames, Iowa; Mr. Clifford DePuy, Des Moines, Iowa; Mr. Norman E. Doman, Davenport, Iowa; Mr. Walter R. Draegert, Thornburg, Iowa; Mr. G. E. Ellison, Nashua, Iowa; Dr. R. A. Fenton, Iowa City, Iowa; Miss Mary S. Foster, Des Moines, Iowa; Mr. T. E. Fountain, West Liberty, Iowa; Dr. W. M. Fowler, Iowa City, Iowa; Mr. Ray E. Fuller, Des Moines, Iowa; Mrs. W. H. Graham, Sioux City, Iowa; Miss Margaret J. Greer, Anamosa, Iowa; Mrs. Bessie C. Higgins, Spencer, Iowa; Mrs. G. A. Hinkley, Eagle Grove, Iowa; Mrs. Robt. I. Jenks, New York City; Miss Ernestine McIntire, Maquoketa, Iowa; Dr. G. E. Markle, Des Moines, Iowa; Mr. Martin Mee, Gladbrook, Iowa; Mr. Shubel D. Owen, Estherville, Iowa; Mr. John R. Pease, Eldora, Iowa; Mrs. Margaret Moffit Platner, Evanston, Ill.; Mrs. Frank Porter, Ogden, Iowa; Mr. H. M. Rombough, Spirit Lake, Iowa; Mr. Clarence D. Roseberry, Le Mars, Iowa; Dr. Robt. Q. Rowse, Sioux City, Iowa; Miss Barbara L. Sawyer, Montrose, Iowa; Mr. John A. Smith, Waterloo, Iowa; Miss Stella Stieper, Arcadia, Iowa; Mr. David Sutherland, Montezuma, Iowa; Mr. Keith Vawter, Center Point, Iowa; Mr. A. J. Widman, McGregor, Iowa; and Miss Bernadine Wingert, Maquoketa, Iowa.

NOTES AND COMMENT

An official proclamation by Governor Dan W. Turner designated the week of May 8 to 14 as "Know Iowa Week".

The spring meeting of the North Central District of the Iowa D. A. R. was held at Hampton, on April 15th.

The American School of Wild Life Protection will hold its fourteenth annual session at McGregor, Iowa, from August 1st to 13th inclusive.

The old settlers' meeting was held at Tipton, on June 10, 1932. Mrs. Mildred Phelps is president of the organization and H. W. Franco is secretary.

Marshall County held its annual farm bureau picnic at Clemons on July 4th. A record of the Washington celebrations by the various farm bureaus will be preserved in the archives of the Federal government at Washington.

The Grundy Register was awarded first prize for the best special edition published in Iowa during the year 1931 in towns and cities in the State with a population of 1500 or over. The honor was conferred at the annual meeting of the Iowa Press Association in Cedar Rapids.

CONTRIBUTORS

FRED W. LORCH, Assistant Professor of English at Iowa State College, Ames. Author of *Mark Twain in Iowa* and *Lecture Trips of Mark Twain in Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, July and October, 1929. (See THE IOWA JOURNAL OF HISTORY AND POLITICS, July, 1929, p. 504).

HARRISON JOHN THORNTON, Assistant Professor of History at the State University of Iowa. Graduated from Grinnell College, received the M. A. degree from Harvard, and the Ph. D. from the University of Chicago. Was Instructor in History at Grinnell in 1925-1927; Fellow at the University of Chicago in 1927; and Exchange Instructor at Harvard in 1927-1928. Became Assistant Professor of History in the fall of 1929, specializing in the industrial, business, social, and cultural history of America and the history of the South. His volume on the *History of the Quaker Oats Company* is now in press.

O. A. GARRETSON. (See THE IOWA JOURNAL OF HISTORY AND POLITICS, July, 1924, p. 480, and October, 1929, p. 626.)

GEORGE THOMAS WHITE PATRICK, Professor of Philosophy at the State University of Iowa. Born at N. Boscawen, New Hampshire, on August 19, 1857. Received the A. B. degree from the State University of Iowa in 1878, the B. D. degree from Yale in 1885, and the Ph. D. degree from Johns Hopkins in 1888. Professor of Philosophy at the State University of Iowa since 1887. Author of numerous books and articles on philosophy and psychology.

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BENJAMIN F. SHAMBAUGH *EDITOR*
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THE IOWA JOURNAL OF HISTORY AND POLITICS
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VOL. XXX

NORTHERN SECTIONALISM IN THE CIVIL WAR ERA

Historical students of the present generation are viewing our national evolution in clearer perspective and truer proportion. In the spirit of the "new nation" and the "new history" they have been getting away from the traditional domination of the slavery conflict, culminating in the "Providential preservation of the Union" or the vindication of the "lost cause" of secession as the case may be. They have shown that the testing has been allowed to overshadow the making of the nation and that the unusual, atypical manifestations of disunity have been put before the steady, natural, and normal achievements of nationalism. May it not be, too, that this disproportioned emphasis upon an artificial and transitory, if intensified, cleavage has caused students of the period to neglect and, for the time being, to break the continuity of our more natural and enduring sectionalism?

No statement could be more of a commonplace than to say that the nation's fundamental and peculiar sectionalism has been based upon the differences of conditions and interests between the older and newer, the settled and sophisticated, and the undeveloped and cruder portions of the country, corresponding to the loose and shifting designations "east" and "west". Such are the recorded facts, regardless, as respects influences, of which school of frontier interpreters¹ one follows. In the words of Frederick Jackson Turner:

From colonial days to the Civil War . . . sectionalism was

¹ Wright's *American Democracy and the Frontier* in *The Yale Review* (New Series), Vol. XX, pp. 349-365.

the dominant influence in shaping our political history upon all important measures — not the sectionalism of North and South alone, but a much more complex thing, a sectionalism also of East and West, and of East North Central and West North Central States, shifting as economic and social conditions changed, but persistently different from the East.²

To the same effect, in another connection, Turner wrote:

By sectionalism I do not mean the struggle between North and South which culminated in the Civil War. That extreme and tragic form of sectionalism indeed has almost engrossed the attention of historians, and it is, no doubt, the most striking and painful example of the phenomenon in our history. But there are older, and perhaps in the long run more enduring examples of the play of sectional forces.³

Such examples are provided in abundance — if not always with clear appreciation of their significance — even by the most perfunctory historians. The rivalry continues unbroken, though with ever shifting base, from the earliest contentions of back country and tidewater to the definite alignment of interests in the irrepressible conflict of a new sectionalism that cut across the old. With the decision of that conflict, the struggle was renewed over a succession of provocative ideas and programs, extending down to such contemporary controversies as the tariff, internal waterways, prohibition, farm relief, and silver coinage.

But it seems generally to have been assumed that from the winning of the West for free soil in the election of Lincoln to the disturbing monetary and regulatory proposals of the late sixties there was an essential harmony of aim and action between the Northeast and the Northwest, that for the purpose and duration of the war, sectionalism was “adjourned”. Such was not the case. Whenever,

² Turner's *Sections and Nation* in *The Yale Review* (New Series), Vol. XII, p. 8.

³ Turner's *The Frontier in American History*, p. 158.

throughout the war decade, issues arose that involved real or supposed regional interests, however much the northern sections might mutually abhor and combine to thwart the pretensions of the planter, it was evident that East was East and West was West. Such occasions of friction were presented both by the traditional differences between the East and West, and by those growing out of the conduct and issues of the war. In sectionalism, as in other respects, there was thus a continuity of the normal course of national development during the war for the preservation of the Union.

The economic was the most fundamental of these divisive forces during the war, as it was before and after the period of military conflict. Two sections at such contrasting stages in their business evolution were bound to be constantly at outs. The West as a whole still lacked stabilized diversification and continued to be dependent upon eastern money centers for investment capital, for extending and improving agricultural production, for launching initial industrial enterprises, and for providing transportation utilities for reaching home and foreign markets.

The inevitable misunderstanding and prejudices of debtor and creditor interests were especially aggravated in this period by the over-extension of western railroads by eastern capitalists and the consequent attempted repudiation of obligations by disillusioned local investors. During the decade of the Civil War "the name Wisconsin became a term of reproach synonymous with dishonor and moral turpitude" in the financial circles of the East as the result of the revolt of its "organized debtor class against an absent creditor class".⁴

Iowa's war bond issue in 1861, voted with highest ex-

⁴ Merk's *Economic History of Wisconsin During the Civil War Decade*, pp. 240, 270.

pectations, went unmarketed, largely as a result of the indictment of the State's credit published by the financial editor of the *New York Herald*. Iowans, he alleged, had a reputation which warranted the belief that they would "resort to this and every other available trick to defraud". He charged that repudiation of railroad bonds in particular was the regular practice of local divisions and that these acts of bad faith were upheld by the courts. Refutation of most of these charges, in a heated controversy in which bad faith was alleged on both sides, contributed further to sectional ill-will but did not sell the bonds.⁵ So low in fact was Iowa's credit at the metropolis that when her agents sought to purchase supplies for the State troops, New York merchants insisted on personal indorsements.⁶

It was upon such facts and rumors that E. L. Godkin based his sweeping generalization that western States and communities had no sense of moral responsibility for contractual obligations.⁷ During this period, representative western leaders, for the other side, never neglected an opportunity to denounce the eastern money power, already symbolized by "Wall Street".

The financial demands of the most costly war that the world had known up to that time, and the first to be fought under the conditions of the new industrialism, forced a temporary truce in the age-long controversy over cheap money, although, in the end, the war policies greatly com-

⁵ Pollock's *The Iowa War Loan of 1861* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XV, pp. 477, 478, 496. For railroad finance difficulties in Minnesota, see Shippee's *Social and Economic Effects of the Civil War with Special Reference to Minnesota* in *Minnesota History Bulletin*, Vol. II, p. 401; Folwell's *A History of Minnesota*, Vol. II, pp. 37-58.

⁶ Perkins's *Trails, Rails and War — The Life of General G. M. Dodge*, p. 72.

⁷ Godkin's *Aristocratic Opinions of Democracy* in *The North American Review*, Vol. C, pp. 219, 220.

plicated and intensified that struggle. Legal tender, created against the protests of eastern bankers, was regarded as a blessing in the West, where it provided a more adequate and stable currency than had ever been available to the trans-Allegheny region.⁸ The new national banking system was quite a different matter. Received at first with favor as a desirable substitute for defunct or discredited State banking institutions, it came to be looked upon as peculiarly a creature of eastern capitalism.⁹ War finance was thus sowing the seeds of the greenback and populist movements.

Meanwhile easy money and inflated prices for ever-expanding war demands, along with a new high record in grain exports, were leading to unprecedented, if insecure, prosperity for eastern manufacturers and western farmers alike.¹⁰ But with gains enough for both, neither was satisfied. Each group felt that the other was taking selfish advantage of national distress. The expressive term, "profiteer", had not been coined, but there was a resort to epithets equally opprobrious. *The Nation*, in the defla-

⁸ Bolles's *The Financial History of the United States, from 1861 to 1885*, pp. 47, 48; *Country Gentleman*, Vol. XXII, p. 154; Beale's *The Critical Year*, p. 238; Shippee's *Social and Economic Effects of the Civil War with Special Reference to Minnesota* in *Minnesota History Bulletin*, Vol. II, p. 396. In the House, of the 59 opposing votes, 33 were from the East and 26 from the West.—*The Congressional Globe*, 37th Congress, 2nd Session, p. 695.

⁹ Bolles's *The Financial History of the United States, from 1861 to 1885*, pp. 218, 222, 223; Beale's *The Critical Year*, pp. 247, 248; Patchin's *The Development of Banking in Minnesota* in *Minnesota History Bulletin*, Vol. II, p. 162. The act was generally opposed by old-line Democrats and the opposition was almost equally divided between East and West.—Blaine's *Twenty Years of Congress*, Vol. I, p. 480; *The Congressional Globe*, 37th Congress, 3rd Session, p. 897.

¹⁰ Fite's *Social and Industrial Conditions in the North During the Civil War*, Chs. I-IV and passim; *The Sherman Letters* (E. L. Thorndike, ed.), p. 204; *The Congressional Globe*, 38th Congress, 1st Session, p. 307; Merk's *Economic History of Wisconsin During the Civil War Decade*, pp. 57, 58; Anderson's *Agriculture in Illinois During the Civil War*, p. 6.

tion period, expressed the eastern opinion that "no section was pecuniarily as much benefited" by the war as the West, and — anticipating recent explanations of a somewhat comparable situation — found the main agricultural difficulty in the unwillingness of the western farmer to accept normal profits.¹¹

The western attitude toward the eastern war business was well expressed in the *Chicago Tribune's* jibe that the "intellect of the East was . . . engrossed in filling government contracts, increasing the tariff and other gainful pursuits".¹² Throughout the war the contractor and speculator were excoriated. Francis P. Blair, never outdone in strength of statement for his cause or section, declared in the spring of 1862:

Why, sir, the eastern and sea-board portions of the Union have made money out of this rebellion. The great severities of this war have fallen upon the people of the West. The natural avenues of their commerce to the ocean have been closed by this war, and while they have been closed the East and the seaboard have enjoyed profits which they never enjoyed during times of peace. . . . The East has taken the entire profit of the labor of the West.¹³

The West, it was charged, was discriminated against in the letting of war contracts. The section did not receive its due share of such business, even when purchases could have been made to better advantage there than in the East. Prices were sometimes below the eastern schedules; and there was undue delay in the settlement of accounts.¹⁴

In addition to its production and marketing limitations and handicaps, the West felt that there was an inequitable

¹¹ *The Nation*, Vol. VI, pp. 188-190.

¹² *Chicago Tribune*, editorial, December 5, 1868.

¹³ *The Congressional Globe*, 37th Congress, 2nd Session, p. 1709.

¹⁴ *The Congressional Globe*, 37th Congress, 2nd Session, p. 1045, 38th Con-

and unsound system of taxation. The secretary of the Iowa State Agricultural Society complained, in January, 1862, that "by the system under which the war tax has been levied, it is practically true, that the young farmer just beginning on our prairies, has to pay just as much as the wealthy citizen in his luxurious New England home".¹⁵

The internal revenue debate of 1864, in the House of Representatives, was a direct tilt between the representatives of eastern industrialists and those of western farmers and would-be manufacturers. Daniel W. Voorhees, who combined sectional and partisan zeal, wanted to know whether the West had "any friends upon the floor of this House? We pay every dollar that is to be levied by this tax bill." The proposed act, he charged, discriminated directly in favor of the manufacturers and carriers of New England and New York and against the Northwest. He challenged the eastern Representatives to show that "the plethoric, bloated manufacturers of New England are paying anything to support the Government". With such exemptions from the common burden, this predatory group was graphically pictured with one hand upon the throat of the people of the West and the other in their pockets.¹⁶ Western producers of raw materials and western manufacturers, represented particularly by the distillers — a business that certain Representatives defended with apologies — were being subjected to ruinous discrimination. This oppressive and discriminatory taxation, Henry W. Harrington of Indiana warned, threatened completely to alienate the Northwest from the seaboard. In reply, eastern authorities claimed that the relative burden of taxes between the older and

gress, 1st Session, p. 305; *Report of Iowa State Agricultural Society*, 1861-1862, p. 8; Byers's *Iowa in War Times*, pp. 183, 184.

¹⁵ *Report of the Iowa State Agricultural Society*, 1861-1862, p. 8.

¹⁶ *The Congressional Globe*, 38th Congress, 1st Session, pp. 304-306.

newer regions was fairly equal and declared that rising land values were equal to the eastern industrial profits. Defence of the measure by western administration leaders could not overcome the sectional bitterness that the debate engendered.¹⁷

War tariffs provided a still larger bone of contention. In phrases and epithets that were to be constantly reiterated in the following years, Samuel S. Cox of Ohio anathematized the Morrill Bill as "a great fiscal tyranny. It is a mountainous burden upon the West . . . a bounty paid by the consumers of the South and West to the iron-masters of Pennsylvania and the cotton millionaires of New England."¹⁸ In the same debate Owen Lovejoy of Illinois utilized a sectional variation of the cycle so frequently invoked by the opponents of protection: "Every time we have a nail driven into a horse-shoe, we are taxed; every time we use a wire to ring the snout of a swine, we are taxed; and every time we use a cup of tea". Now that young ladies had taken to skating, a tax was put upon skates and "while we are taxed upon all our luxuries, upon all the necessities of life, and in every department of life and industry, we ought not to tax the health of the country to satisfy the insatiable pride of Pennsylvania."¹⁹ Cox thought the designation, "war tariff", for the act of 1864 was highly appropriate. "Its oppressive character is enormous enough to produce revolution."²⁰ In this era of

¹⁷ *The Congressional Globe*, 38th Congress, 1st Session, pp. 304, 305, 306, 668.

¹⁸ *The Congressional Globe*, 36th Congress, 2nd Session, p. 1192. Cox quoted this passage in the debate on the tariff of 1864.—*The Congressional Globe*, 38th Congress, 1st Session, p. 2675.

¹⁹ *The Congressional Globe*, 36th Congress, 2nd Session, p. 1192.

²⁰ *The Congressional Globe*, 38th Congress, 1st Session, pp. 2675, 2751, 3053. In the House 22 of the 26 opposition votes to this act were western, Ohio alone casting 9; in the Senate, 4 of the 5 negative votes were from the West.

feverish railroad promotion the West was especially incensed at the duty on rails.²¹

Following the war, the division between eastern industrialists and western agriculturists over the continuation of the high level of protection was so pronounced as to threaten seriously Republican unity. To representative western leaders of the party it seemed that the fruits of the free-soil victory were being divided most inequitably, and that a new privileged element threatened to replace the one just overthrown. Their anxiety was well expressed in Horace White's sententious enquiry, "Have we killed King Cotton to set up King Sheeting?" A united West might at least have moderated the rising power, but western forces were divided, both by old convictions and new expectations. The humanitarian sentiment of the abolitionist and the selfish interest of the western wool-grower and to a lesser degree the western manufacturer combined to preserve the war tariff.²²

At most the tariff was but a secondary consideration to the West; its chief stake in the free-soil coalition was the public lands for which the war legislation provided the most basic policies. With all the inherent and traditional divisions over the disposal of the national heritage, it was quite unthinkable that differences could be wholly reconciled now, even in the face of the common danger. Homesteads, the subject of a distinct party pledge, met with no concerted opposition, although voted for with misgivings and headshakings by eastern treasury guardians, like Justin S. Morrill and Samuel C. Fessenden. The Pacific rail-

²¹ Tarbell's *The Tariff in Our Times*, p. 21.

²² Salter's *The Life of James W. Grimes*, pp. 304-306, 312, 314, 315, 335, 363, 379; Beale's *The Tariff and Reconstruction in The American Historical Review*, Vol. XXXV, pp. 283, 285, 287, 294; Viner's *Self-Interest and the Tariff in The Century*, Vol. CXX, pp. 46, 47; Hall and Holcombe's *History of Minnesota State Agricultural Society*, p. 80; *The Congressional Globe*, 36th Congress, 2nd Session, p. 1026.

road grants involved primarily a rivalry of financial groups rather than of sections; but State and regional desires for specific grants and concessions were constantly emphasized and the wider East-West antagonism came prominently, if usually irrelevantly, into the debates. Blair charged eastern opponents with bad faith to the free-soil cause. He had supposed that opposition to the bill "came from a certain side of the House that was obnoxious to the East as well as to the West. I have sat here and seen southern men and disunionists resist, and year after year defeat this measure, and the North and East professed all the time to be ardently in its favor, and I had not anticipated that upon this occasion we should meet with a rebuff from our own professed friends." Certainly no westerner would have agreed with Justin S. Morrill that the project at this time was purely "ornamental".²³

The sharpest conflict over land was aroused by the agricultural college grants. Long sought by the leaders of the "industrial movement" as a modernizing scheme of higher education, the measure found its political appeal at this time as a compensation to the older States for the homestead grants to the frontier region.²⁴ The West was divided on this proposal. Illinois was an initial center of the movement and most of the States whose better lands had been disposed of were favorable. But in States with large available areas, especially Wisconsin, Minnesota, and Kansas the opposition was bitter. The discussion, both in Congress and outside, dealt very slightly with educational considerations but rather with the relative advantages to the sections of the various existing and pending land grant

²³ *The Congressional Globe*, 37th Congress, 2nd Session, pp. 136, 137, 1035, 1709, 1947, 1951. Practically all of the slight opposition on the final vote in both houses was from the border States.—Davis's *Union Pacific Railway*, pp. 99–129; Smalley's *History of the Northern Pacific Railroad*, pp. 113–118.

²⁴ *New York Daily Tribune*, May 27, June 21, 1862.

acts. The proposed grants, based upon population, were calculated to deprive the new States, they felt, of the real benefits of the Homestead Act. The abuses of absentee landlordism in the person of the eastern speculator in land script were assumed to be the inevitable result. To charges of ingratitude for all the past lavish grants, it was responded that eastern promoters had shared at least equally with western communities. The strength of the opposition is to be measured not so much by the final vote as by certain limiting and restricting amendments, which, however, represented only a small number of those proposed.²⁵ The discussion has a further historical interest in calling out one of the most vigorous sectional criminalities since the abolition crusade. "Free West" addressed the New York *Tribune* in this impassioned vein:

Sir: Have you no word of remonstrance against the passage of the proposed Agricultural College bill? This scheme is, in plain words, a nefarious outrage on the West. If the rich New-England States, New-York, Pennsylvania, and others are suffering for the want of "Agricultural Colleges," let them build them immediately, and pay for them themselves; for Kansas, Nebraska, Minnesota, Iowa, and Wisconsin will hardly rest patiently and be fleeced of their only source of wealth and power — the broad acres within their boundaries — for any such purpose. The passage of the Homestead bill was a grand thing for the new States; but what good will it do them if the Eastern States are allowed to *loot* the West out of a great portion of the broad domain thus granted to actual settlers? If these lands are thus parceled out among the older States, the settlement of them will be retarded for years, and the new States deprived, in a corresponding ratio, of population, wealth, and industrial and tax-paying resources.

²⁵ *The Congressional Globe*, 37th Congress, 2nd Session, pp. 2248, 2249, 2275, 2328, 2329, 2395, 2432, 2441, 2626-2634, 2769, 2770; *Milwaukee Sentinel*, June 20, 26, 1862; *Wisconsin Daily State Journal* (Madison), July 2, 1862. Debate in the House was limited by resort to the "previous question". Eastern public interest in the act was slight.—*The North American Review*, Vol. CV, p. 497.

The whole scheme, in its sinister designs against the new States, is about on a par with the doings of the "Holy Allies" at Vienna, in 1815. The bill needs some amendments for its beneficent effects to be fully felt. Let New-York send a Grand Duke to Kansas, and Massachusetts a Viceroy to Minnesota, and thus make a clean thing of it at once!²⁶

By reason of the predominate agricultural interest of the West, and also, perhaps, its favor for Federal aid, the new Department of Agriculture was received with enthusiasm; and the ill-starred first commissioner, whose policies and methods met with almost unanimous condemnation and ridicule from eastern leaders and journals, was given hearty support throughout the war.²⁷ Isaac Newton's seeming regard for the West overcame his numerous and obvious deficiencies. In 1863 the *Prairie Farmer* rejoiced that the commissioner had "turned his face westward where his greatest realm lies" and hoped his stay might be "sufficiently protracted to enable him to glance at the great prairie world that lies about us. He has always shown a disposition to further Western interests, and we trust his visit will still more influence him to recognize the importance of western agriculture."²⁸ The following year the president of the Iowa State Fair read a letter from "the able and efficient head" in which that official, after calling attention to the statistics of the State's grain production and population increase added, in typical rhetoric, the pleasing, if generalized prophecy, "With this astonishing growth of population and wealth, a boundless career of influence and importance awaits the futurity of your noble State."²⁹

²⁶ *New York Daily Tribune*, May 27, 1862.

²⁷ Ross's *Lincoln and Agriculture in Agricultural History*, Vol. III, pp. 60-62.

²⁸ *Prairie Farmer* (Chicago), Vol. XI, p. 360.

²⁹ *Report of the Iowa State Agricultural Society*, 1864, pp. 255, 256.

Farming, itself, still generally regarded as the mainstay occupation, differed as the pioneer large-scale differed from the diversified small-scale system.

The cheap and abundant lands of the West in this period more than ever before were attracting farmers from eastern country-side and competing with eastern cities for immigrant workers. Every normal western community was eager to gain settlers and get as much land as possible under cultivation as soon as possible. Eastern communities were naturally alarmed at stationary populations, declining leadership, and depleted capital. Hence an almost continuous debate ensued in farm papers, agricultural addresses, and the reports of societies between the rival champions of "high farming" and the "grand culture".

The defenders of the old fields and hearthstones challenged the assumption that western lands were cheap, except in the "frigid north" or "pestilential south". For those who owned farms or could buy there were "acres of diamonds" on the paternal or neighboring estates near markets and old associates. So competent an authority as Solon Robinson gave this assurance:

There is no need of leaving Connecticut to seek after a richer soil. A better one than you can find upon the western prairies lies only a few inches beneath the one that your fathers wore out upon the surface; you have only to dig for it, here around the old homestead and its attachments, and that is cheaper than emigration. There is no need of your breaking the tenth commandment in thinking of the crops of the grand prairie.³⁰

³⁰ *Transactions of the Connecticut Agricultural Society*, 1858, p. 223. For similar arguments see also, *New England Farmer*, Vol. VIII, pp. 567, 568, Vol. IX, p. 155; *The American Agriculturist*, Vol. XXVIII, p. 50; *Transactions of the New York State Agricultural Society*, 1860, pp. 503, 595, 596, 1861, pp. 57, 58, 240, 242, 1864, p. 537, 1868, p. 442; *Abstracts of Agricultural Societies* (Massachusetts Board of Agriculture), 1864, pp. 21, 31, 1868, p. 76; *Annual Report of the Massachusetts Board of Agriculture*, 1865, p. 68, 1869, p. 159; *Report of the New England Agricultural Society*, 1865, p. 13.

That lack of markets, as well as social isolation made the frontier entirely unsuited to the ex-city man, who was making a trial of farming in the back-to-the-country movement following the panic of 1857, the author of *Ten Acres Enough* demonstrated from the relative returns from growing corn on the Illinois prairie and tomatoes on the Jersey sands.³¹

There was the inevitable Yankee revulsion against the supposed waste and slovenliness of western cultivation. Western farmers were assumed to be ruthless soil robbers who had "stripped the surface of its richness as their ancestors the rings from the ears and noses of the aborigines". Such a system could not appeal to industrious and efficient eastern farmers, but a "lazy shiftless farmer in Massachusetts must either move West or starve."³² Summing up the case for the eastern farmer at the close of the Civil War, a Massachusetts writer concluded:

Taking things as they are, we find that the masses of the farmers at the West work harder, enjoy fewer comforts, and in point of wealth are very far behind those of the East As far as money is concerned, the whole matter may be summed up as follows: A man with capital can do well enough at the East — a man without capital had better not go West.³³

³¹ Morris's *Ten Acres Enough*, pp. 250, 251. See also *The American Agriculturist*, Vol. XXIV, p. 374. For the actual experience of a city family in the pioneer West, see Shaw's *Story of a Pioneer*, p. 20.

³² *Abstracts of Agricultural Societies* (Massachusetts Board of Agriculture), 1867, p. 49, 1869, pp. 67, 68; *Annual Report of the Massachusetts Board of Agriculture*, 1867, p. 9; *Transactions of the New York State Agricultural Society*, 1860, p. 37, 1865, p. 439; *The American Agriculturist*, Vol. XXV, p. 12; *Harper's New Monthly Magazine*, Vol. XXXVI, p. 201.

³³ *Cultivator and Country Gentleman*, Vol. XXVII, p. 299. The attention given to sheep raising in this period led to much discussion of the relative advantages of the two regions for this branch of husbandry. See *Abstracts of Agricultural Societies* (Massachusetts Board of Agriculture), 1863, p. 73, 1868, pp. 64, 65; *Country Gentleman*, Vol. XVIII, p. 252; *Report of the Iowa State Agricultural Society*, 1864, pp. 126, 127, 1865, p. 235; *Report of the Missouri State Board of Agriculture*, 1868, p. 102.

In their turn, westerners, whether native or newly-arrived, maintained the superiority of their undertakings. The forty-acre, stony, hill-side farm in contrast to the broad prairie offered unlimited possibilities. A "young go-ahead westerner", writing from La Salle, Illinois, to the *American Agriculturist*, after exhausting his terms of contempt on eastern farming and all its ways, drew a picture of the labors and achievements of the prairie that would have done credit to a Paul Bunyan. The editor, while rebuking the "brag and exaggeration" that flowed "like a river", admitted that the letter was a "genuine expression of western feeling".³⁴ Other typical comparisons were hardly less restrained. "Who", enquired a speaker at an Iowa county fair, "would be content to let the narrow bounds of a five acre hay field limit his future stock raising? Who wishes to surrender an amplitude for the thrice picked pasture field of scarcity. It may be sufficient for the author of 'Ten Acres Enough', but not satisfactory for a western farmer."³⁵ And the conscientious secretary of the State Agricultural Society reported that "Many have deserted the fields of the East — where incessant watchfulness, and the use of all known appliances for fertilizing the soil are demanded to raise a crop — and have found here, upon the rich prairies, quick remuneration for intelligent labor."³⁶

Native and imported wit found the puttering agriculture of New England an attractive target. Lincoln told a Connecticut audience that their soil was so poor it would scarce

³⁴ *The American Agriculturist*, Vol. XXIV, pp. 215, 339.

³⁵ *Report of the Iowa State Agricultural Society*, 1866, p. 507.

³⁶ *Report of the Iowa State Agricultural Society*, 1868, p. 5. See also for claims of superior conditions and opportunities of western agriculture, *Country Gentleman*, Vol. XXII, pp. 298, 299; *Cultivator and Country Gentleman*, Vol. XXVII, p. 387, Vol. XXVIII, p. 90, Vol. XXXIV, p. 492; *Report of the Iowa State Agricultural Society*, 1863, p. 148; *Report of the Ohio State Board of Agriculture*, 1862, p. 2.

sprout black-eyed beans.³⁷ Senator Morton S. Wilkinson questioned Rhode Island's need of an agricultural college when her annual wheat production was less than fifty bushels.³⁸ The suggestions of leading veterinarians at the American Institute in New York City that a blacksmith shop should be maintained on each farm to keep the horses well shod was met with the sarcasm that for the prairie region a dentist to look after the hens' teeth would be as practicable. In reporting upon an eastern trip, the agent of the Iowa Immigration Board, a native of New Hampshire, complained that eastern papers thought "our state to be their own 7 by 9 affair."³⁹ It was "a fortunate thing for New England", a Missouri booster wrote, "that she was discovered and settled before the West, otherwise her bleak hills would today have been a howling wilderness."⁴⁰

Agricultural relations of the sections were further complicated and embittered by the responses of the over-credulous to the call of the Edenic West. Such experiences were naturally emphasized and magnified by those who were seeking to stem the tide of migration to newer regions of the West.⁴¹

As against these influences of rivalry and misunderstanding, there were some very conscious efforts to bring about a better understanding and more harmonious relations between the two groups of farmers. Some western grain-

³⁷ Nicolay and Hay's *Abraham Lincoln, Complete Works*, Vol. I, p. 625.

³⁸ *The Congressional Globe*, 37th Congress, 2nd Session, p. 2395.

³⁹ Coffin's *Report to Iowa Immigration Commission* (1873), a manuscript in the Archives Division of the Historical, Memorial and Art Department of Iowa.

⁴⁰ *Cultivator and Country Gentleman*, Vol. XXVII, p. 387.

⁴¹ *New York Semi-Weekly Tribune*, July 7, 1857; *The American Agriculturist*, Vol. XIX, p. 7; *Transactions of the New York State Agricultural Society*, 1861, p. 239; *Abstracts of the Agricultural Societies* (Massachusetts Board of Agriculture), 1868, pp. 75, 76; *Shaw's Story of a Pioneer*, pp. 24, 25.

growers and stock-raisers expressed their indebtedness to the methods learned in the East and admitted freely that the newer agriculture had much to learn from the older. With equal frankness certain eastern writers recognized the superior opportunities of the West, especially for large scale, less specialized undertakings.⁴²

Agricultural journalists, like Orange Judd, whose papers had a large circulation throughout the Middle West, made every effort to treat the region intelligently and sympathetically. In 1861 Judd expressed the opinion that Illinois, where the *Agriculturist* had a "whole army of readers", was the "Empire" farming State. He planned to devote every alternate summer to a tour of observation in the western division of "the great Agriculturist Parish". In 1863 he traveled through Ohio, Indiana, Illinois, Michigan, and Iowa, viewing the rural landscape from the open side-doors of baggage cars.⁴³ Greatest of the attempted mediators and interpreters of the sections was Horace Greeley. His interest in western colonization made him sympathetic with the West and his frequent lecture tours gave him a knowledge and understanding of this section which was rare among easterners.⁴⁴ In founding the Patrons of Husbandry at the close of the war, Oliver H. Kelley was seeking to bring about a spirit of good-will and

⁴² *The American Agriculturist*, Vol. XXIV, pp. 246, 247, 339, 374, Vol. XXV, pp. 432, 433; *Transactions of the New York State Agricultural Society*, 1861, pp. 373-375, 1863, pp. 48, 49, 230, 1865, p. 675; *Abstracts of Agricultural Societies* (Massachusetts Board of Agriculture), 1861, p. 32, 1862, pp. 27, 28, 1863, p. 33.

⁴³ *The American Agriculturist*, Vol. XX, p. 58, Vol. XXII, p. 270. Such trips were encouraged by passes from middlewestern railroads.—*Agricultural History*, Vol. V, p. 74. Compare the appreciation of western agriculture by the *Country Gentleman*, Vol. XXIII, pp. 9, 10.

⁴⁴ In addition to the *Tribune* editorials, correspondence, and special articles on the West, the following books by Greeley contain personal observations of western conditions: *Overland Journey*; *Recollections of a Busy Life*; *Essays Political Economy*; *What I Know of Farming*.

helpfulness among farmers throughout the country.⁴⁵ Inter-regional State fair visitors provided an exchange of ideas and experiences and did something to interpret their respective sections.⁴⁶ Before the establishment of Federal regulatory control there were pioneer efforts by States in different regions at coöperation in combating animal diseases.⁴⁷

Eastern scientific agriculturists, it was confidently predicted, would not only restore their own areas, but as leaders and teachers would transform western methods and practices. In the words of a complacent prophet, "As the Vermont merinos are needed South and West to restore the quality of the flocks deteriorated in the warmer climate and by the coarser herbage, so Massachusetts men will be called abroad to teach and practice the principles of restoring a soil wasted by unskilful cultivation." The advocates of the new agriculture colleges thought that these institutions would provide such leaders.⁴⁸

But in spite of all these well-meaning and often liberal-minded efforts, the inherent antagonism of farmers "back East" and "out West" remained. So pronounced did this consciousness of competing economic interests become that by the close of the Civil War there were concerted movements on both sides to secure regional self-sufficiency. These agitations for sectional defense were in many respects similar to the southern diversification campaign of the fifties.

⁴⁵ Kelley's *Origin and Progress of the Order of Patrons of Husbandry*, pp. 14, 17.

⁴⁶ *Transactions of the New York State Agricultural Society*, 1861, pp. 41-45, 1866, pp. 86-100.

⁴⁷ *Transactions of the New York State Agricultural Society*, 1860, pp. 10-13.

⁴⁸ *Abstracts of Agricultural Societies* (Massachusetts Board of Agriculture), 1867, p. 49, 1869, pp. 67-75; *Transactions of the New York State Agricultural Society*, 1863, p. 49; *The Congressional Globe*, 37th Congress, 2nd session, p. 2329; *New York Daily Tribune*, June 21, 1862.

The industrial East, especially New England, was becoming anxious for the future of its food supply. Already by the later fifties there were warnings that the reliance upon cheap western grain was precarious, as the operation of the law of diminishing returns brought an ever-increasing cost of production and as the newer regions utilized larger proportions of raw materials in their own manufactures.⁴⁹ A decade of rapid land exploitation, while temporarily postponing, had but made surer the final outcome. A rounded-out economy was held to be essential for regional and State prosperity and security. Politically and socially, as well as economically, it was highly desirable that there should be a proper balance of rural and urban life. There was still the confidence that such a balanced economy was possible. Speaking for Massachusetts, so philosophical an economist as John Bascom asserted in 1865: "In no part of this continent is there a more immediate and favorable union of all interests than here. Manufacture quickens agriculture, and agriculture supports manufacture."⁵⁰

Still more aggressive and self-assured was the western diversification campaign. The West, as it emerged from the frontier stage, was increasingly conscious of its dependence upon eastern transportation, middlemen, and manufacturers. Typical of this feeling was Senator Timothy O. Howe's assertion in 1862: "Every railroad grant you have made has been for the purpose and has had the practical effect of just linking the new States to the old ones. That is the effect you wanted them to have, and it is the effect they ought to have; but it has made the whole Northwest and the whole West but little more than a prov-

⁴⁹ *Transactions of the Connecticut State Agricultural Society*, 1859, pp. 71-75.

⁵⁰ *Report of the Massachusetts State Board of Agriculture*, 1865, p. 196, 1869, pp. 157, 159; *Abstracts of Agricultural Societies* (Massachusetts State Board of Agriculture), 1863, p. 73, 1867, p. 35, 1869, pp. 90, 91.

ince of New York.”⁵¹ Jobbers in the central distributing cities resented the practice of direct eastern buying by country merchants, and it was with no little elation that the Milwaukee board of trade could boast in 1863 that three-fourths of all goods consumed in the tributary area had passed through the hands of Milwaukee jobbers.⁵² Trade between the Middle West and the Far West was being looked to as a marketing relationship of great possibilities and as a corresponding protection against eastern dependence.⁵³

Throughout this period the prairie West felt sorely aggrieved that its good money should go in such large amounts to the eastern manufacturer for farm tools, machinery, furniture, and other essentials. Why not produce these articles better and cheaper themselves and secure the advantage of the home market? The president of the Michigan State Agricultural Society was convinced that the “people of the entire West have too long been contributing to New England and the East generally, for products of manufacturing skill and labor. Possessing as we do, almost every element necessary to a successful competition with the manufacturers East, it is high time we assert and maintain our true position.”⁵⁴

The protectionist doctrine that had been propagated so assiduously in the realm of foreign trade was now applied to inter-regional relations. In his annual message of 1868 Governor William M. Stone, of Iowa, appealed to orthodox mercantilism in the interest of his Commonwealth:

⁵¹ *The Congressional Globe*, 37th Congress, 2nd Session, p. 2626.

⁵² Merk's *Economic History of Wisconsin During the Civil War Decade*, pp. 221, 222.

⁵³ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, p. 57; *Report of the Iowa State Agricultural Society*, 1867, p. 396.

⁵⁴ *Report of the Michigan State Board of Agriculture*, 1867, p. 375; *Report of the Iowa State Agricultural Society*, 1867, pp. 394-397.

The vast sums now annually expended in the purchase of these articles from the princely establishments of the Eastern States should be retained to augment home capital, and encourage the enterprise and reward the industry of our own citizens. We should understand, as a grave question of political economy, that buying more than we sell, whereby the balance of the trade is turned against us, exhausts capital and prevents the accumulation of wealth.⁵⁵

Most vocal in this industrializing propaganda were the St. Louis spokesmen in their somewhat hysterical campaign, both economic and political, to maintain their city's western leadership. One of these boosters gave full reign to his sentiments in a pronouncement in which, while statistics and imagination were hopelessly confused, there could be no question of the spirit:

Does any one suppose the West is always to be merely a producing country, when she has more and better facilities for manufactures than any other part of the wide world? . . . Think not because the West has heretofore been tributary to the East she is always to be so.

In the sectional leadership of this new industrial regime the first was to be last and the last to be first. "Boston, New York and other Atlantic villages must, in time, *go West* to trade, when, as now, the West goes East." Missouri was as superior to the rest of the section in industrial possibilities, he declared, as the West in general was to the East, but the existing situation was thus modestly summarized: "Illinois, Indiana, and Wisconsin now have the lead of the West in manufacturing pursuits. Little patriotic Iowa pushes hard after them. Michigan is awake, and Missouri

⁵⁵ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 99, 100. The interest in western industrial development tended, in some quarters, to lessen that section's opposition to protection.—Beale's *Critical Year*, p. 287; *The Congressional Globe*, 38th Congress, 1st Session, pp. 305, 307, 2684; *Report of the Wisconsin State Agricultural Society*, 1868, pp. 452-469.

is coming [Missouri] will become the Empire State of the West. We bid our sister States God speed; *progress* is from this time on the watchword of *Missouri*."⁵⁶

With the definite beginning of "social politics" in the free-soil legislation, the relative influence of the sections politically were closely akin to these economic differences. Congressional and electoral balance between East and West was a tradition long before the struggle over the extension of slavery. New England's opposition to the Louisiana Purchase had been entirely logical, so far as sectional weight and control were concerned.

In the blocking out of States from western territories, eastern leaders often failed to adjust their thinking to the great areas involved and the potentialities of population growth. In January, 1861, the committee on Federal Relations of the New York State Assembly, through its chairman, Lucius Robinson, later a distinguished Governor, offered, as its compromise proposal, a resolution to memorialize Congress to admit Kansas and then divide the remaining territory into two States. The resolution was supported by both party organs, by the Republican boss, Thurlow Weed, by the Democratic caucus, and by various groups of petitioners. Greeley, with more knowledge and humor, graphically and sarcastically depicted the operation of governmental processes in such vast Commonwealths. But the defeat of the resolution was due to opposition to concession to the South rather than to consideration for the interests of the West.⁵⁷

The direct interest of the Middle West in the creation of

⁵⁶ *Annual Report of the Missouri State Board of Agriculture*, 1868, pp. 90, 98. See also 1866, pp. 110, 111.

⁵⁷ *Journal of the Assembly of the State of New York*, 84th Session, pp. 39, 40, 44, 54, 78, 116, 117, 188, 205, 227, 228; Brummer's *Political History of New York During the Civil War*, pp. 105, 110; *New York Daily Tribune*, January 5, 1861.

new States in the Far West was frankly expressed by Senator Grimes in opposing the enlargement of boundaries of the proposed State of Nevada:

It is not for the interest of the States of the Northwest that the States to the west of us should be made as large as we are in the habit of making them, because it deprives us of our proper representation in this branch of Congress. This is a matter in which we are all interested, especially the cluster of States of which mine happens to be one, and which are destined to be intimately connected with all the States to the west of us. I want to see prosperous States built up there, and as many of them as possible. I want that section of the country to have its due proportion of influence and power in this branch of Congress, as well as in the other.⁵⁸

Some indication of the sectional consciousness of the future western States was forecast by Delegate John S. Watts, of New Mexico, in the Pacific railroad debate. He was gratified that a New Hampshire member was beginning "to appreciate the fact that there is a great West and a great Northwest, which in two years will come into these Halls, not only asserting her rights, but with the ability to enforce them."⁵⁹

State-making even with the necessities of war amendments and radical majorities, was not quite so precipitate as this prophecy suggested, but so far as official Washington was concerned the barbarian invasion was on. Already in 1859 the young and fastidious Charles Francis Adams found the House turned into a "national bear-garden" by the "unpicturesque frontiersman and the overseer".⁶⁰ Sumner complained in the spring of 1861 that

⁵⁸ Salter's *Life of James W. Grimes*, pp. 273, 284, 286. Grimes strongly opposed premature admissions that would tend to create rotten boroughs.

⁵⁹ *The Congressional Globe*, 37th Congress, 2nd Session, p. 1705.

⁶⁰ Adams's *An Autobiography*, pp. 43, 44; *Minnesota History*, Vol. VIII, pp. 165, 166. The caricatures of western politicians in the *Gilded Age* were no doubt regarded as typical by many eastern readers.

"the Western barbarians had invaded the White House";⁶¹ and Godkin, in 1865, declared that public life had been overrun by the uncultured because the "new States have now for many years acquired a great preponderance over the older ones in population and wealth and resources, and consequently political preponderance also."⁶²

Despite such ominous foreboding of the westward movement of the center of politics, the material evidences of national favor were still overwhelmingly with the older section. So moderate-toned and national-visioned a western spokesman as Senator Grimes, while recognizing the necessity of the concentration of public works and officers around the northeastern seaboard, warned the eastern leaders repeatedly of the growing impatience of his section with efforts to utilize these national agencies for local advantage.

In opposing a motion that would have opened the way for the removal of the Naval Academy from an alleged disloyal border State to some point in New Jersey or New England, he offered the following protest: "There is a feeling now in the public mind, in some sections, in the Northwest particularly, that they are being made in too great a degree tributary to the New England States; that you have all the arsenals, the armories, the navy-yards, custom-houses, officers, everything almost, up in that section."

In exposing abuses in the purchase of naval supplies he served this notice on representatives of the Atlantic Coast States: "The time has arrived when it should be thoroughly understood that our navy-yards are national establishments, to be controlled for the benefit of the nation exclusively, and not for the benefit of the neighborhoods in which they are established, or of the politicians who surround

⁶¹ Adams's *An Autobiography*, p. 103.

⁶² Godkin's *Aristocratic Opinions of Democracy* in *The North American Review*, Vol. C, p. 222.

them." In considering naval commissions, he declared, it seemed well-nigh brazen to compare New York with its navy-yard, custom-house, arsenal, and Military Academy with Iowa "where we have three land offices with six land officers . . . one marshal, one United States judge . . . and one clerk. These are all the Federal officers we have in the State of Iowa, and I thank God for it. We do not want any more Federal officers in my State."⁶³

But this spirit of abstention was far from typical of western ambition during, and especially at the close of, the war. With the West's decisive contribution to the preservation of national unity and with the unmistakable evidences of material leadership, zealous regional agitators maintained, with a degree of plausibility, that the section upon which the nation's future so largely depended should contain the seat of national government. In the ensuing campaign for the removal of the national capital to the Mississippi Valley, St. Louis, in her hopeless struggle to keep her place as the middle western metropolis, was the leading contender. Cincinnati was a less aggressive rival and four neighboring States made more or less serious bids for the honor.⁶⁴ Eastern journals, although they ridiculed the movement, discussed the superior advantages of the eastern establishment, whether at Washington or some other coastal city.⁶⁵

⁶³ Salter's *Life of James W. Grimes*, pp. 199, 200, 211, 253; *The Congressional Globe*, 37th Congress, 2nd Session, pp. 2057, 2725, 38th Congress, 1st Session, p. 2411.

⁶⁴ The fullest account is Clark's *The Bid of the West for the National Capital* in the *Proceedings of The Mississippi Valley Historical Association*, 1909-1910, pp. 214-290. The chief promoter for St. Louis was Logan Uriah Reavis. In inviting Sumner to the St. Louis convention in 1869 Reavis assured him that if the Senator would support the removal plan it would make him president.—Sumner Manuscripts, Harvard Library.

⁶⁵ *Harper's New Monthly Magazine*, Vol. XL, pp. 181-192. *The Nation*, "at the risk of making Westerners laugh", suggested that "the Federal Government would gain more and do more good by moving to New York than

Party rivalry occasioned more sectional friction than these bickerings over the distribution of patronage and public works. The campaign of 1860 was western in candidate, platform, and methods. Such dominance was a hard blow to the pride of eastern free-soilers, especially as it involved setting aside their favorite son; but the Northwest was the key to the situation. Even so there were serious threats of disaffection.⁶⁶ While Lincoln was able to establish his place as party leader, to such men as Sumner and the Adamses he remained the uncouth westerner, out of place in the White House—a feeling that Mrs. Lincoln's social gaucheries did nothing to lessen.⁶⁷ The western attitude was reflected only mildly by Grimes's comment to Chase on Seward's leadership of the new party in 1855: "I must say that I have horror of New York politicians."⁶⁸

The selection of Andrew Johnson, the pioneer champion of the homestead law, as Lincoln's running mate in 1864, in place of a true and tried New Englander, and his consequent succession might well have led to a direct struggle along the old lines if the issues of southern reconstruction had not intervened.⁶⁹

In the Republican national convention of 1868, the old sectionalism was pronounced. The West was in a position to dictate the nominations, and Grant, with all his elements of political uncertainty—whether a Republican or Demo-

to any other place."—Vol. IX, p. 183. Greeley also favored New York. — *The Nation*, Vol. XI, p. 271. *The Nation* thought westerners were "glad of an excuse to come to the East, which collectively is for them the 'focus of art, literature, and refinement.' "

⁶⁶ Rhodes's *History of the United States*, Vol. II, p. 472; Brummer's *Political History of New York During the Civil War*, pp. 65-69.

⁶⁷ Adams's *The Adams Family*, p. 249; Adams's *An Autobiography*, p. 103.

⁶⁸ Salter's *Life of James W. Grimes*, p. 69.

⁶⁹ Beale's *The Critical Year*, p. 145. In 1860 Andrew Johnson had a considerable support in the Northwest for the Democratic presidential nomination. In the ensuing campaign western Democrats emphasized Hamlin's past op-

crat, an inflationist or contractionist, a free-trader or protectionist, a radical or conservative reconstructionist — was every inch a westerner. The proposal to take an easterner — even so popular a leader as Henry Wilson, the Natick Cobbler — for the second place met with impatient and brusque refusal; the ticket must be straight western. Democratic opportunity of capitalizing western discontent was lost when Horatio Seymour, a conservative easterner, was preferred to George H. Pendleton, the sponsor of the "Ohio Idea".⁷⁰

Following the election, the *Boston Journal*, in a widely-quoted editorial, insisted that the new Speaker of the House should be an easterner, as "the West has got about everything else." The *Chicago Tribune* responded that the West had secured the leading offices, civil and military, simply because it was "possessed of the best qualified men for various high offices."⁷¹ Eastern critics, however, felt

position to homestead proposals.—Stephenson's *The Political History of the Public Lands from 1840 to 1862*, pp. 233, 234, 236. In 1864, the *Richmond Examiner* characterized the Republican candidates as "Abraham Lincoln, the Illinois rail-splitter Andrew Johnson known in the West as the Tennessee tailor A rail-splitting buffoon and a boorish tailor, both from the backwoods".—Quoted by the *New York Daily Tribune*, June 24, 1864. The *New York Semi-Weekly Tribune*, January 19, 1869, in a post-war controversy over sectional leadership, cited Johnson's nomination as a displacement of an "eastern" candidate by a "western" for the sake of "political expediency". There were indications from time to time, in the post-war years of a strained feeling between the two sections which only the southern situation held in check. Kirkwood won much applause from his constituency by telling Sumner that the suffrage requirements of Iowa were no concern of the Senator from Massachusetts.—*The Congressional Globe*, 39th Congress, 2nd Session, p. 198; Clark's *Samuel Jordan Kirkwood*, pp. 316, 317. When the Alabama claims convention was before the Senate, Henry Adams wrote to Edward Atkinson, on February 1, 1869: "If your friends are wise they will make all the Eastern Senators support the Treaty, for the West will try to shove us into a struggle in which we alone can be the sufferers."—*Letters of Henry Adams* (W. C. Ford, ed.), p. 151.

⁷⁰ Beer's *Hanna*, pp. 51, 53, 59.

⁷¹ *Chicago Tribune*, December 5, 1868, January 21, 1869; *New York Semi-Weekly Tribune*, January 19, 1869.

that this western talent was not in evidence in the new administration. Henry Adams gave the inside journalistic view: "I pity the man that goes into that Cabinet . . . We here look for a reign of western mediocrity".⁷²

The war issues themselves, which brought the sections into temporary alliance, did not lead to the harmony and mutual understanding that might have been expected. Both were hampered by extremists, fanatical abolitionists, and ultra-conservatives on States rights. In theory there was little to choose between the sections; but in practice the westerners seemed to go farther in both directions. Western abolitionism had always been characterized by its open and fearless manifestations, and throughout the war this group was intolerant of any temporizing policy toward the great evil. In such circles Frémont's removal led to threats of a western revolt against the administration, and Lowell attributed the insurgent movement of 1864 to the German Radicals, characterized as "the most impracticable of mankind".⁷³

In devotion to the Union neither section could maintain a wholly assured position, but each one was critical of the other. The Northwest, since the days of Clay, had been a *tertium quid* between the two older sections, with natural interest and stage of development favoring the South. The possibility of such an alliance, by many deemed imminent at secession, was never lost sight of during the war. In December, 1860, Henry Adams regarded all of the western States as doubtful, except Wisconsin which was a "new

⁷² *Letters of Henry Adams* (W. C. Ford, ed.), p. 152.

⁷³ *The Correspondence of John Lothrop Motley* (G. W. Curtis, ed.), Vol. II, p. 169; *Diary and Correspondence of Salmon P. Chase* in the *Annual Report of the American Historical Association*, 1902, Vol. II, pp. 504, 508, 509; Orcutt's *Burrows of Michigan and the Republican Party*, Vol. I, p. 49; Byers's *Iowa in War Times*, p. 80; Howe's *Plain People*, pp. 25-33; Cole's *President Lincoln and the Illinois Radical Republicans* in *The Mississippi Valley Historical Review*, Vol. IV, pp. 421-426, 431, 432.

Vermont".⁷⁴ In the following July, John Lothrop Motley was confident that a failure to resist secession would have resulted in the launching of a western confederacy.⁷⁵ Emerson, in a despondent moment in the summer of 1862, confided to his diary that delay in emancipation threatened a union of "the Mississippi Valley north and south."⁷⁶ In the campaign of 1864 Senator Morrill wrote to Sumner that the copperheads "mean to create a counter-revolution that will carry the bulk of the Western and Middle States with the South".⁷⁷

Within the western section secession was represented as a menace by ardent Unionists and as an opportunity by the disaffected. Governor Morton of Indiana wrote to the President in the fall of 1862 that if southern independence should be recognized, "Ohio, Indiana and Illinois can only be prevented from a new act of secession by a bloody and desolating civil war." On the other hand, the irreconcilable opponents of the war invoked northwestern self-consciousness in a more or less organized plan of confederated independence. One of the main appeals of this group was to the traditional prejudice against the East, especially New England. This inchoate project of a northwestern

⁷⁴ *Letters of Henry Adams* (W. C. Ford, ed.), p. 67.

⁷⁵ *The Correspondence of John Lothrop Motley* (G. W. Curtis, ed.), Vol. II, p. 25.

⁷⁶ *Journals of Ralph Waldo Emerson* (E. W. Emerson and W. E. Forbes, eds.), Vol. IX, p. 442. Senator Wright in opposing the agricultural college bill declared that the West would have 21 more votes in six months. The condescending eastern attitude might be taken now, "but, sir, there is a people called the West, and that language would not be so appropriate if they were felt in the House as they soon will be."—*The Congressional Globe*, 37th Congress, 2nd Session, pp. 2441, 2442.

⁷⁷ Parker's *Justin Smith Morrill*, p. 160. In contrast Edward Everett Hale wrote of the election: "I believe, however, that if all New England and New York had gone wrong, the West would still have been the corrective."—*The Life and Letters of Edward Everett Hale* (Edward E. Hale, Jr., ed.), Vol. I, p. 380.

confederacy, while apparently never attaining to the menacing proportions that its denouncers represented, remained an occasion of disrepute to the entire section.⁷⁸

As an offset, western unionists could point to the section's enviable enlistment record; to provision in five of its States⁷⁹ for soldier voting; and to drastic — at times violent — measures of combating disloyal acts and sentiments. In general the attitude of western State governments, supported by predominant public opinion, was one of "force to the uttermost". As General Grant, with unusual show of feeling, told Dr. Oliver W. Holmes at the close of the war, "We (of the West) were terribly in earnest".⁸⁰

The East's support of the common cause offered many points of criticism. As against the confederacy scheme of the Northwest, there was Mayor Wood's spectacular and bombastic proclamation, reflecting, it was believed, a considerable group of opinion in New York City, and the "constitutional" opposition to administration policies. War speculators and contractors, with all the obloquy that at-

⁷⁸ Foulke's *Life of Oliver P. Morton*, Vol. I, p. 210; Woodburn's *Party Politics in Indiana During the Civil War* in the *Annual Report of the American Historical Association*, 1902, Vol. I, pp. 238, 239; Stephenson's *Lincoln and the Progress of Nationality in the North* in the *Annual Report of the American Historical Association*, 1919, Vol. I, pp. 355, 356, 362.

⁷⁹ Iowa, Kansas, Minnesota, Missouri, Wisconsin. Such acts in Connecticut and Pennsylvania were held unconstitutional by the courts.—*New York Tribune*, January 13, 1863. The privilege was sometimes exercised by soldiers who had not attained to their majority, with the understanding that "Abe" desired all the boys to vote.—Jones's *An Artilleryman's Diary*, pp. 267, 268; *The Des Moines Register*, April 2, 1931.

⁸⁰ Cole's *Stagecoach and Tavern Tales of the Old Northwest*, pp. 345-350; Felton's *Pioneer Life in Jones County* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXIX, pp. 267, 268; Clark's *The Politics of Iowa During the Civil War and Reconstruction*, p. 142; *The Palimpsest*, Vol. VII, pp. 120-126; *The Correspondence of John Lothrop Motley* (G. W. Curtis, ed.), Vol. II, p. 210; *Personal Memoirs of U. S. Grant*, Vol. I, p. 217. Grimes declared in the Senate, on July 12, 1863: "No matter what others may tell you, Senators, be assured that the people of the upper valley of the Mississippi River are loyal to this Government."—Salter's *Life of James W. Grimes*, p. 225.

tended their operations, were found mainly in the commercial and industrial centers.

New England's supposedly ultra-abolitionist sentiment, coupled with past separatist tendencies, gave rise to suggestions that that group of States might seek to organize a government by themselves. Governor Kirkwood wrote the Iowa delegation to the convention held at Washington in the spring of 1861 that if concessions were made to get the South back into the Union, New England might secede. Voorhees, in denying that he desired the commercial isolation of New England, added sarcastically, "Indeed, she shall not go out, as she takes a notion to once in a while."⁸¹

The contrast in enlistments in the two sections, due in considerable part, no doubt, to economic differences, was much emphasized. The necessity of the draft, the ensuing riots — among the worst cases of mob violence that the country had known — the extreme abuse of the bounty system, were all counted to the older section's discredit. The *Chicago Times*, with all its ill-repute among the loyal, undoubtedly expressed widespread western sentiment in the fling that while the West filled its quotas and then kept on enlisting, New England and New York had stopped recruiting and taken to praying instead, a plan that commended itself to that section since it was cheaper.⁸² Senator James A. McDougall, of California, somewhat out of the main line of the controversy, capped the climax of charges and innuendos of eastern enlistment abuses by the statement: "In this great war, while we have sent from the

⁸¹ Byers's *Iowa in War Times*, p. 39; *The Congressional Globe*, 38th Congress, 1st Session, pp. 306, 2681. In the tariff debate of 1864, Cox dubbed Massachusetts, "the unceasing and unprincipled agitator, the fomentor of discord between the sections, the disseminator of fanatical and dogmatical opinion, and the assailant of the constitutional rights of other States".

⁸² Shannon's *The Organization and Administration of the Union Army, 1861-1865*, Vol. I, pp. 291, 292; Sanger's *The Chicago Times and the Civil War in The Mississippi Valley Historical Review*, Vol. XVII, pp. 577, 578.

West particularly our young men, our best blood, from the North and the East they have sent hirelings, men bought to fight and who cannot fight." The reason for western victories in contrast to eastern defeats, he explained, was the difference between heroes going forth to battle for their cause and indifferent, inefficient mercenaries.⁸³

In short, whatever the relative degree of devotion of the two sections to the maintenance of the Union — a question to which there was no conclusive answer — it was evident that the mature East, with its high-brow Society for the Diffusion of Political Knowledge, its low-brow thugs, and omnipresent speculators, contractors, and bounty jumpers, was in no position to cast stones at her youthful ally. Greed and selfishness varied mainly with opportunity.

Military participation was no more harmonious. Rival sectional interests and prejudices added to the inefficiency and complications of the States rights basis of the army.⁸⁴ Sectional self-consciousness was marked; there was a lack of a fully nationalized spirit in the army. Such terms as "yankees" and "westerners", "westerners" and "northerners", as well as "easterners" and "westerners", show the nice distinctions made. Each section was convinced of the superiority of its recruits.⁸⁵

The sectional rivalry extended to officers. Soldiers were partial to commanders from their own section, and officers in turn usually preferred a "home" command.⁸⁶ Coöper-

⁸³ *The Congressional Globe*, 38th Congress, 1st Session, p. 2832.

⁸⁴ Shannon's *State Rights and the Union Army in The Mississippi Valley Historical Review*, Vol. XII, pp. 51-71; Hicks's *The Organization of the Volunteer Army in 1861 with Special Reference to Minnesota in Minnesota History Bulletin*, Vol. II, pp. 324-368.

⁸⁵ Adams's *An Autobiography*, p. 137; Nichols's *Story of the Great March*, pp. 46, 55, 242, 243; Wright's *A History of the Sixth Iowa Infantry*, pp. 109, 110; Jones's *An Artilleryman's Diary*, p. 205.

⁸⁶ This is the well-nigh unanimous sentiment of war correspondence, diaries, memoirs, and official regiment histories.

ation tended to be better between officers of the same section; there were notable cases of conflict and misunderstanding in transferred commands. General Pope's experience was probably the most notorious and disastrous. He had been warned by a fellow officer that in going east his grave was made.⁸⁷ With such experiences in mind, Sherman warned Grant in 1864: "For God's sake and for your country's sake, come out of Washington . . . I now exhort you to come out West."⁸⁸

Grant, well aware of the strained situation into which he was entering, never showed to better advantage than in the tact and dexterity with which he took the eastern command. In the face of rivalry and jealousy on every hand he held his peace and sought patiently and understandingly to win the confidence of officers and men, as well as of the administration, and ultimately, the country at large. It was this reconciling or ignoring of sectional rivalries that made possible the ultimate success of the Union forces.⁸⁹

The unseemly bickerings over commanders were not confined to the army and the inevitable gossip of newspaper correspondents. Invidious comparisons of officers were added to the other sectional controversies in Congress. At times, in this peurile contention, the region of residence would dispute with the region of birth for the honor of the hero of the moment. Even Burnside, before the willows of Fredericksburg, was so fought over.⁹⁰

Sectional misunderstandings and injustices, that might

⁸⁷ Stanley's *Personal Memoirs*, p. 104. See also the controversy between an Iowa Colonel and Banks's staff.—Byers's *Iowa in War Times*, pp. 282, 283. Grant's strained relations with Halleck are given much space in his memoirs.

⁸⁸ *Memoirs of General William T. Sherman*, Vol. I, p. 400.

⁸⁹ *Personal Memoirs of U. S. Grant*, Vol. II, pp. 117, 118; *A Cycle of Adams Letters, 1861-1865* (W. C. Ford, ed.), Vol. II, p. 134.

⁹⁰ *The Congressional Globe*, 37th Congress, 2nd Session, pp. 1709, 1728, 1931, 1932.

have been overcome by a general consolidation and unification of the army, were accentuated and perpetuated by the division of the Union forces into distinct eastern and western units. The representative of the London *Times* wrote in 1863 that a correspondent had written, "co-operation does not exist between the armies".⁹¹ And in his final report to the Secretary of War Grant summed up the situation in the following phrase worthy of Lincoln himself: "The armies in the East and West acted independently and without concert, like a balky team, no two ever pulling together".⁹²

In cases where eastern and western regiments were joined together mutual regard and appreciation usually developed. Thus at the close of the war the Second Massachusetts wrote to the Third Wisconsin: "you go towards your homes in the west, we stay near ours in the east. Let us not, however, though separated by thousands of miles, forget these old associations."

To which the western regiment responded: "We accept your communication, not only as a manifestation of personal regard, but also as a fraternal greeting from the east to the west, which rising superior to local jealousies and factional strife, and remembering only the mingled dust of our dead on many battlefields, and the common country for which they sacrificed their all, proclaims us, in heart and in country, one and inseparable."⁹³ But such relations were unusual.

The dissension was fostered by the seeming disparity in achievement — the relative successes of the western army in contrast to the reverses or indecisive campaigns of the eastern forces. Whatever the explanation, the fact could

⁹¹ *Letters of Henry Adams*, p. 112.

⁹² *Personal Memoirs of U. S. Grant*, Vol. II, pp. 555, 556.

⁹³ Hinkley's *A Narrative of Service with the Third Wisconsin Infantry*, pp. 18, 97, 178-180.

not help but create a sense of superiority on the part of western officers and soldiers. "Richmond must be avenged by western boys", wrote Grenville M. Dodge from Corinth, "we will soon roll down south on them and wipe out that stain".⁹⁴ D. I. Stanley considered Stone's River "no great victory", but "coming about the time of Burnside's miserable failures in the east, our victory helped to sustain the courage of the country."⁹⁵

Of the outlook the following year, General Sherman wrote: "The capture of Vicksburg is to me the first gleam of daylight in this war Here is glory enough for all the heroes of the West Had the eastern armies done half as much war would be substantially entered upon."⁹⁶

Typical also of the feeling of the westerner in the ranks was the home letter of an Iowa boy from the army in Missouri: "But the Rebs in this country have learned to run while tis the reverse in the East. We have glorious news from Vixburgh. I most believe the western army will have to take Richmond if it is ever *taken* & if *Vixburgh's* taken will be good opening for us to move East."⁹⁷

In the closing campaign General Grant, with rare understanding of both points of view, told President Lincoln that he was especially desirous that Lee's capture should be achieved by the eastern army unaided by western troops. If the western army was participating in any way the General feared that credit for the final victory would be given them "by politicians and non-combatants from the section of the country which those troops hailed from. It might lead to disagreeable bickerings between members of Con-

⁹⁴ Perkins's *Trails, Rails and War*, p. 96.

⁹⁵ Stanley's *Personal Memoirs*, p. 130.

⁹⁶ *Home Letters of General Sherman* (M. A. de W. Howe, ed.), p. 270.

⁹⁷ *The Journal and Letters of Corporal William O. Gulick* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXVIII, p. 589.

gress of the East and those of the West in some of their debates. Western members might be throwing it up to the members of the East that in the suppression of the rebellion they were not able to capture an army, or to accomplish much in the way of contributing toward that end, but had to wait until the Western armies had conquered all the territory south and west of them and then come on to help them capture the only army they had been engaged with."⁹⁸

In his final report the General was careful to balance evenly his praise of the two armies:

It has been my fortune to see the armies of both the West and the East fight battles, and from what I have seen I know there is no difference in their fighting qualities. . . . The splendid achievements of each have nationalized our victories, removed all sectional jealousies (of which we have unfortunately experienced too much), and the cause of crimination and recrimination that might have followed had either section failed in its duty. All have a proud record, and all sections can well congratulate themselves and each other for having done their full share in restoring the supremacy of law over every foot of territory belonging to the United States.⁹⁹

Grant's emphatic assurance in his memoirs that these fears were wholly groundless must be regarded as a part of the dying General's attempted contribution to national reconciliation and good will. As a matter of fact, the rivalry remained keen to the end of the war and survived the military conflict. At the Grand Review there was a spirit of emulation between officers and soldiers of the two divisions that was never concealed and often not in the best temper.¹⁰⁰ The inevitable question was being asked—

⁹⁸ *Personal Memoirs of U. S. Grant*, Vol. II, p. 460.

⁹⁹ *Personal Memoirs of U. S. Grant*, Vol. II, p. 632.

¹⁰⁰ *Personal Memoirs of U. S. Grant*, Vol. II, pp. 461, 534, 535; *Memoirs of General William T. Sherman*, Vol. II, p. 378; *Sherman's Recollections*, pp. 264, 303; *Blaine's Twenty Years of Congress*, Vol. II, p. 19; *Wright's A History of the Sixth Iowa Infantry*, pp. 471, 478.

“Who won the war?”¹⁰¹ The West — individually and collectively, supporter and critic of the administration alike — had no doubt about the matter. “When Abe Linkern asked the West f’r soldiers,”¹⁰² expressed that section’s view of the nation’s military reliance. Representing probably more fully than any other army that was ever in the field the strength and the weakness of the “democratic” volunteer system,¹⁰³ the western army in commanders and men, as all impartial observers were forced to admit,¹⁰⁴ had turned the tide for the Union.

The war thus brought to the West a self-consciousness and sense of importance such as it had never had the opportunity to develop before. Early in the war, Francis P. Blair had declared that after all the contribution the West was making to the national cause, “it becomes the Representatives of the people not to treat us as step-children any longer.”¹⁰⁵ And by the close of the war the section was convinced that it merited the chief place at the family board. With youthful assurance, growing out of its economic, political, and military contributions, it came to feel, not unnaturally, that it could save the Union and that no other section could. So professionally and practically-minded a soldier as General Sherman wrote to Grant in the spring of 1864:

Come out West; take to yourself the whole Mississippi Valley; let us make it dead-sure, and I tell you the Atlantic slope and Pa-

¹⁰¹ Beer’s *Hanna*, p. 52. See also the controversy between the *Chicago Tribune*, December 5, 1868, January 21, 1869, and the *New York Semi-Weekly Tribune*, January 19, 1869, over the relative contributions of the sections.

¹⁰² Field’s *Our Two Opinions*.

¹⁰³ While this was true of the Union Army as a whole, it was especially so of the western army. All the available records and memoirs of officers and soldiers alike bear out this conclusion.

¹⁰⁴ See Godkin’s remarkable tribute, *Aristocratic Opinions of Democracy* in *The North American Review*, Vol. C, pp. 224, 225.

¹⁰⁵ *The Congressional Globe*, 37th Congress, 2nd Session, p. 1709.

cific shores will follow its destiny as sure as the limbs of a tree live or die with the main trunk! . . . Time and time's influence are all with us; we could almost afford to sit still and let these influences work . . . Here lies the seat of the coming empire; and from the West, when our task is done, we will make short work of Charleston and Richmond, and the impoverished coast of the Atlantic.¹⁰⁶

Least tangible and measurable, but none the less real, were cultural differences. The fact that misunderstandings in this realm were based in large part upon unsound traditions rather than upon established facts took away none of their strength and bitterness. Doctor Gaines has shown how the romancer built up a southern society such as never was in real life,¹⁰⁷ and composite portraits of the effete easterner and the barbarous westerner are hardly more authentic than those of the Yankee trader and the southern planter. The "typical" expansive westerner was likely to be a very recent arrival from the East, like the young adventurer in the *Gilded Age*, who found his picturesque western costume as out of place at St. Louis as it would have been in a seaboard city. On the other hand, a "typical" eastern sophisticate, like John Hay, might be born and bred west of the Alleghenies. In the case of East and West, as of North and South, such exaggerated traditions were propagated and fostered mainly by biased and incompetent observers.¹⁰⁸ Based largely upon such misconceptions and misrepresentations rather distinct cultural attitudes came to develop.

The East assumed to be the source of national intelligence and genius, the fountain head of all that was distinctive in American culture. The "barbarians" beyond the mountains could contribute nothing of note. John Hay ex-

¹⁰⁶ *Memoirs of General William T. Sherman*, Vol. I, p. 400.

¹⁰⁷ Gaines's *The Southern Plantation*.

¹⁰⁸ On inaccurate frontier traditions, see De Voto's *The Real Frontier* in *Harper's Magazine*, Vol. CLXIII, p. 60.

pressed this view with the proverbial zeal of the apostate: "Though I feel that Illinois and Rhode Island are entirely antipathetic, though I am aware that thy people are not my people, nor thy God my God, I cannot shut my friends out of my memory or annihilate the pleasant past."¹⁰⁹

While regretfully admitting that under the workings of democratic government political control was coming to be more and more with the newer regions, eastern spokesmen maintained that they had a monopoly of creative leadership: "Has the West", they asked, "ever produced the equal of Benjamin Franklin? Where in the West is there the equal of Charles Sumner, such an orator as Wendell Phillips, such a poet as Whittier, such a divine as Dr. Bacon? Where such names as Jonathan Edwards, Webster, Everett, and Rufus Choate?"¹¹⁰ The few constructive leaders that the West had, it was asserted, were largely borrowed from the East. Such an illogical and inconclusive comparison would hardly merit notice were it not for the fact that more recent writers have resorted to similar argument to prove eastern intellectual superiority.¹¹¹

Abraham Lincoln, especially after his death, was an apparent exception that had to be accounted for. While there were many who, with Charles W. Eliot, objected to having Lincoln's name put too near Washington's,¹¹² his greatness was usually recognized. Such a product from the uncultured hinterland was only to be explained as an environmental sport, or, with the more devout, a case of Providential prevision. The latter interpretation was given by a

¹⁰⁹ Thayer's *The Life and Letters of John Hay*, Vol. I, p. 71.

¹¹⁰ *Cultivator and Country Gentleman*, Vol. XXVIII, p. 19.

¹¹¹ Lodge's *The Distribution of Ability in the United States* in *The Century Magazine*, Vol. XLII, pp. 687-694, refuted by Frederick Jackson Turner in his article *Children of the Pioneers* in *The Yale Review*, Vol. XV, pp. 645-670.

¹¹² James's *Charles W. Eliot*, Vol. I, p. 140.

New York clergyman to explain the marvel that had come out of Illinois:

And when standing amid rending shrouds and falling spars, we in despair cried for help, up from the mighty West, as mysteriously as arose the tall shade of Samuel to the baffled captain of Israel, came our second Cincinnatus. Up from the forests of Kentucky — up from the fields of Indiana and Illinois — up from the lumber rafts of the Wabash and Mississippi, came Abraham Lincoln, the sent of God.¹¹³

The East did not selfishly propose to withhold its light and leading; it recognized its responsibility of *noblesse oblige*. New England, especially, felt the mission of providing teachers and leaders: "New England churches, ministers, schools, teachers, doctors, and lawyers have exerted their due influence over the whole continent; and it is so far from being exhausted that the cry is still for more; and our pulpits, professional and scientific chairs are being continually emptied at the cry of give, give, send, send, from the exhaustless maw of the West."¹¹⁴

The material strength of the West was duly recognized in the figure of brain and brawn. The West, it was conceded, would be the great producer, the hewer of wood and drawer of water, as it were, while the East would provide the guiding and directing genius. During the war the new region's mission was further extended to the providing of soldiers, as a writer in the *Atlantic* graciously conceded: "If, as one of our orators says, New England is the brain of this country, then the Northwest is its bone and muscle, ready to cultivate its wide prairies and feed the world, — or, if need be, to use the same strength in crushing treason, and in preserving the Territories for free settlers."¹¹⁵

¹¹³ *Transactions of the New York State Agricultural Society*, 1865, p. 668.

¹¹⁴ *Abstracts of Agricultural Societies* (Massachusetts Board of Agriculture), 1869, pp. 67, 68.

¹¹⁵ *The Atlantic Monthly*, Vol. VII, p. 595.

But, said the more exacting critics, this very emphasis upon material things was at the root of western shortcomings.¹¹⁶

Champions of western attainment, however, recognizing fully the section's material greatness and glorying in it, held this to be but the basis of its more positive and creative qualities and achievements. At the end of the decade a pretentious article in one of the numerous short-lived organs of western ideas and culture essayed an analytical comparison of "Down East and Out West". The author, purporting to have had a wide experience in both sections and basing his conclusions upon an environmental interpretation of cultural traits, found the elements of western superiority to be breadth of view, symmetry of development, and energy of application. In his interpretation of the social spirit of the West, this writer anticipated the philosophy of "utilitarian idealism".¹¹⁷

With the growth of western self-consciousness and self-confidence the claim was made, not merely that the section had great cultural possibilities, but that it was developing the only truly American culture. Eastern culture was mainly a reflection of the Old World, but in the great free West a wholly native product was evolving.¹¹⁸ "Your

¹¹⁶ Godkin's *Aristocratic Opinions of Democracy in The North American Review*, Vol. C, p. 217-219.

¹¹⁷ *The Western Monthly*, Vol. I, pp. 159-162, Vol. II, pp. 339-343, Vol. III, pp. 21-27. Senator Howe, of Wisconsin, maintained that the great need of the West was for labor to develop its resources. He did not object to the sections acquiring "more mind" but western industry was "suffering for want of muscle I am anxious to see it come to our country from whatever quarter of the earth it may come, or in whatever shape it may come."—*Report of the Wisconsin State Agricultural Society*, 1868, p. 474.

¹¹⁸ A recent Lincoln Day speaker before the joint session of the Iowa legislature stated that while Washington was "the typical English country gentleman", Abraham Lincoln "never came in contact with the refinement, education and social graces of our Eastern civilization, much less, the culture, refinement and aristocracy, of England. Abraham Lincoln was the product of a new life George Washington stands upon the border line of English and American history. Abraham Lincoln looms out from the very

Eastern material is excellent to send here and bring out'', a western man of culture was reported as saying,¹¹⁹ and Samuel J. Kirkwood exulted: "We are rearing the typical Americans, the Western Yankee if you choose to call him so, the man of grit, the man of nerve, the man of broad and liberal views, the man of tolerance of opinion, the man of energy, the man who will some day dominate this empire of ours."¹²⁰ The whole Valley of Democracy was coming to have an assurance of its predestined dominance in the Nation, as truly as the more narrowly-visioned villagers who maintained:

A little leaven leavens the whole lump,
Wait and see
Spoon River will be Americce.¹²¹

Confident of its future, the West desired not merely evidences of material power but artistic expression and recognition as well. Edward Eggleston, the pioneer middle western romancer, aspired "to do something toward describing life in the back-country districts of the Western States," since it was "a matter of no little jealousy with us . . . that the manners, customs, thoughts, and feelings of New England country people filled so large a place in books, while our life, not less interesting, not less romantic, and certainly not less filled with humorous and grotesque material, had no place in literature. It was as though we were shut out of good society." Western writers, such as there were "did not dare speak of the west otherwise than as the unreal world to which Cooper's lively

heart of the American pioneer life, a son of the great new west."—*Journal of the House of Representatives* (Iowa), 1931, p. 433.

¹¹⁹ *The Western Monthly*, Vol. I, p. 161.

¹²⁰ Shambaugh's *History of the Constitutions of Iowa*, p. 27.

¹²¹ Masters's *Spoon River Revisited* in *The New Republic*, Vol. XVII, p. 105.

imagination had given birth.”¹²² And when a young Iowa artist’s drawing for a mural in the national capitol entitled, “The First Prayer in Congress”, was rejected, his patron, the pioneer jurist, Charles Mason, advised him to take a “wilder, western subject”, like the Black Hawk Purchase treaty.¹²³

But, in general, western art still received scant support. The opinion of a veteran leader that, “We are too busy for the West to be overstocked very soon with literary men”,¹²⁴ expressed a too common sentiment. John Hay following his eastern study bemoaned that in the “barbarous West” to which fate had consigned him there was a demand only for those services which ministered to material wants. “There is, as yet, no room in the West for a genius”.¹²⁵ Poets like Howells, the Piatts, and the Cary sisters soon turned to conventional eastern themes and sought the more congenial environment of the region of sophistication and “steady habits”. Eggleston had no real successors until the appearance of Ed Howe and Hamlin Garland.¹²⁶

Each section emphasized its moral standards and practices to the disparagement of the other. Eastern writers pointed to their established moral codes and highly developed religious institutions, in contrast to the immoral, godless ways of the frontier. Reports of home missionary boards were cited to prove the lack of facilities and opportunities for worship and the moral depravity of their “fields”.¹²⁷ Some of these workers, too painfully conscious of the crudity of their surroundings, had a tendency to

¹²² Preface to first edition, 1871.

¹²³ Pelzer’s *George H. Yewell* in *The Palimpsest*, Vol. XI, p. 491.

¹²⁴ *The Western Monthly*, Vol. I, p. 162.

¹²⁵ Thayer’s *The Life and Letters of John Hay*, Vol. I, pp. 63, 64.

¹²⁶ Garland’s *Roadside Meetings*, p. 94; Kreymborg’s *Our Singing Strength*, p. 176.

¹²⁷ *Cultivator and Country Gentleman*, Vol. XXVIII, p. 19.

overstress the disparity between the "civilized" and "uncivilized". A pioneer minister of southern Wisconsin found the whistle of the first locomotive in his region "a most welcome and cheering sound, not because it quickens the zeal of some active financier and promotes the interest of commerce merely, but because with all its faults, it bears along to us a sanctified civilization The old rubbish is passing away, and new and better materials are coming in."¹²⁸

Unrestrained indulgence in hard liquor was a standing charge against the West. C. F. Adams, Jr., was disgusted with Stephen A. Douglas's inebriated exhibition, so in contrast to the habits of his patron, William H. Seward, who carried his brandy "like a gentleman", only allowing it to "excite him, and set his tongue going with dangerous volubility".¹²⁹ The *Nation's* reviewer of *The Hoosier Schoolmaster* feared that "the faithfulness itself of its transcript of the life it depicts will alone make it to many readers a repulsive book".¹³⁰

Easterners who had been unfortunate in their business ventures in the new country were easily led to believe that western aggressiveness involved unscrupulousness and to agree with John Hay's harsh judgment that in the West, "Impudence and rascality are the talismans that open the gates of preferment."¹³¹ Then, too, there was often a lack of understanding — of the visionary optimism of men who in the words of James Bryce lived so largely in the future.

¹²⁸ Douglass's *The Pilgrims of Iowa*, pp. 178, 179.

¹²⁹ Adams's *An Autobiography*, pp. 62, 65, 66; *Minnesota History*, Vol. VIII, p. 168. In the internal revenue debate Henry L. Dawes, of Massachusetts, observed that there was no article which Voorhees's constituents consumed which his did not "except it may be whisky."—*The Congressional Globe*, 38th Congress, 1st Session, p. 306.

¹³⁰ *The Nation*, Vol. XIV, p. 44.

¹³¹ Thayer's *The Life and Letters of John Hay*, Vol. I, p. 64; Magoun's *Asa Turner*, pp. 329, 330.

An Iowa colonist from New York, "untutored in the enthusiasms of the prairie country was rather shocked at the designation of 'city' for a settlement devoid of everything except a post office which marked the simplest eastern village."¹³²

Frontier religion, among many sects, was notorious for its flexibility of doctrine, informality of ritual, and emotional excess in worship. The orthodoxy of the new churches, when not closely supervised and directed from the established centers of the faith was bound to be called in question.¹³³ Organized religion, indeed, was represented as marking the climax of the new region's dependence upon the older: "Eastern minds", it was said, "have in a great measure given the West its intellectual power. Eastern capital has built its railroads, and to a very great extent Eastern charity has given to the West the gospel. Let the West remember this, and not boast herself over the East."¹³⁴

Western spokesmen, like their rivals, selecting their own samples, had a telling appeal in the purity and wholesomeness of simple rural life as contrasted with the dissipations of high society in decadent centers of wealth.¹³⁵ To all the elaborate denunciations of western wickedness and bad faith, there was the sweeping and devastating, if somewhat brutal rejoinder, "the honest people are all West. . . . They cannot live *East* among the *rascals*." In religious worship there might be a lack of "cushioned pews and gilded altars," but there was more of the true spirit of devotion in the West. In place of a narrow denominationalism there was a broad tolerant spirit, less of an insistence

¹³² Taft's *An Empire Builder of the Middle West*, p. 45.

¹³³ For instance, see Douglass's *The Pilgrims of Iowa*, p. 106.

¹³⁴ *Cultivator and Country Gentleman*, Vol. XXVIII, p. 19.

¹³⁵ *Report of the Ohio State Board of Agriculture*, 1860, p. 428.

upon doctrinal niceties but more applied Christianity, more of a "social gospel".¹³⁶

There was on both sides a tone of condescension that no doubt in the long run made more for disharmony and estrangement than did frank, open disagreement. Eastern ignorance of western, especially trans-Mississippi life and problems was notorious. It was with real solicitude that Senator Grimes added to his invitation to William P. Fessenden in 1865 the advice: "I think you ought to come, not for your own pleasure, or the pleasure of your friends alone, but as a leading public man you ought to see this country for yourself."¹³⁷

This ignorance and indifference was not infrequently carried to the point of affectation. Even in our time Will Durant refers to "that vast America of which the Eastern mind is so proudly ignorant".¹³⁸

Ralph Waldo Emerson, despite his philosophic breadth and tolerance, as itinerant lecturer in the fifties, viewed his western audiences and surroundings according to New England standards and prejudices. He found "well-disposed, kindly people among these sinewy farmers of the North, but in all that is called cultivation they are only ten years old". Illinois audiences that were unable to sit

¹³⁶ *Cultivator and Country Gentleman*, Vol. XXVII, pp. 386, 402; *The Western Monthly*, Vol. II, p. 342.

¹³⁷ Salter's *Life of James W. Grimes*, p. 280. *The Prairie Farmer* in an editorial, on March 4, 1865, on "Eastern Ignorance of the West," while deploping the existing state of eastern misinformation and misunderstanding found hope in the results that developing transportation and communication were certain to bring about in the public opinion of the older section and looked forward "to a time not far distant, when we of the West shall no longer be looked upon as the 'outside barbarians' that too many of our friends now regard us."

¹³⁸ Durant's *The Story of Philosophy*, p. 566. "Nobody who keeps abreast of the public prints can fail to realize the snobbish, the contemptuous, the God-Almighty attitude toward the Middle West that exists among some, not most, Easterners to-day."—Sloan's *Misrepresentative Fiction* in *The Palimpsest*, Vol. XII, p. 47.

through his homilies wanted only a hearty laugh, such as they could get from William Stark, John G. Saxe, or Park Benjamin. At Evanston, Illinois, he wrote, they had a college, "a thriving institution, which unfortunately blew down one night, — but I believe they raised it again the next day, or built another, and no doubt in a few weeks it will eclipse Cambridge and Yale."¹³⁹

This attitude was manifested most characteristically in the observations of Charles Francis Adams on his campaign tour in 1860. At a ball given by Governor Ramsey of Minnesota, strange to relate, he "found many intelligent and pleasant people, especially some ladies." His audiences were "full of pert answers, the custom of the West." The main defect in the scenery between La Crosse and Prairie du Chien was "its uniformity and its want of culture. Some time or other, perhaps a couple of centuries hence, this difficulty will cease to exist, and the waste intervals may become the garden of America." The people of Iowa, because their land was fertile, expected one to admire its beauty, but to him "flat country however fertile" was "monotonous and tiresome".¹⁴⁰

His namesake found the same trip on the whole "extremely tedious", in spite of some unusual and exciting experiences that his diary recorded. Kansas was the most interesting of the regions visited and that territory was "suffering under a prolonged and very destructive drought." St. Paul was "well enough" in general appearance and destined to a moderate prosperity. The social contacts of this member of the Adams family were mildly diverting, but led to the unfavorable verdict that "the Western average man is the reverse of refined, and you are lucky if you escape those who mistake pure coarseness for

¹³⁹ Emerson's *Journal*, Vol. IX, pp. 3, 7, 76.

¹⁴⁰ *Minnesota History*, Vol. VIII, pp. 157-165.

wit." His brother, a few years later, found that one of the trials of a Washington correspondent was to "learn to talk to the Western Congressmen, and to hide his own antecedents."¹⁴¹

Similar attitudes on the part of a variety of observers might be cited. "Ten Acres" Morris conceded that the new West, whose economic and social hardships would be intolerable to the residents of eastern cities, might be "the paradise of the European immigrant, who, having abandoned friends and home, may with propriety settle in one spot as well as in another; because, go where he will, he will be sure to find none but strangers."¹⁴²

Gail Hamilton thought it worthy of note, if not a matter of surprise, that on her trip across Nebraska in 1873 she found the men at the stations "usually intelligent and manly looking."¹⁴³ James Russell Lowell, a little later, while deploring the bad table manners and social philosophy of the natives with whom he had intimate contact on an adventuresome journey to the untamed West, pronounced the oracular and magnanimous opinion that they had "the unmistakable makings of *men* in them."¹⁴⁴

Agitators and propagandists resorted to flattery which was usually as obvious as it was fulsome. Mrs. Frances D. Gage, a lecturer on temperance and women's rights, wrote to the *New York Tribune* in the middle fifties that Iowa, where her messages had evidently been well received, was the most moral and progressive State of its age.¹⁴⁵ Seward in a campaign speech in 1860 at St. Paul, the capital of the State that his traveling companion observed he cherished

¹⁴¹ *Minnesota History*, Vol. VIII, pp. 165-171; Adams's *An Autobiography*, p. 63; *The Education of Henry Adams*, p. 253.

¹⁴² Morris's *Ten Acres Enough*, p. 250.

¹⁴³ Dodge's *Gail Hamilton Life in Letters*, Vol. II, p. 717.

¹⁴⁴ Norton's *Letters of James Russell Lowell*, Vol. II, pp. 169, 170.

¹⁴⁵ Parker's *Iowa as It Is in 1855*, p. 82.

"with more than a mere political affection, on account of the attachment manifested by its delegates to him at the Convention at Chicago"—predicted confidently, amid "loud applause" that "power is not to reside permanently on the eastern slope of the Alleghany Mountains nor in the sea ports of the Pacific." In the past he had believed that Mexico City would sometime become the center and capital of the nation, but now he was led to correct that view and firmly believed "that the last seat of power on the great continent will be found somewhere within a radius not very far from the very spot where I stand, at the head of navigation on the Mississippi river, and on the great Mediterranean Lakes."¹⁴⁶

Edward Everett, upon one of his union-saving lecture tours early in the war, found everything good, according to eastern criteria—his Peoria hosts "as refined and well-bred people as you would find in Boston or New York"; the "excellent college" at Galesburg, with "learned and sensible professors"; and Milwaukee houses "equal to any on the Fifth Avenue."¹⁴⁷ Sydney Howard Gay, after pronouncing the people of the West "cultivated, intelligent, and ingenious", remarked rather irrelevantly, "free trade is not a Western plant, but it has taken deep root there, and will dictate the future policy of the nation."¹⁴⁸

Theodore Tilton added greatly to his popularity on the western lecture circuit by editorial encomiums on western character and achievement. The most appealing of these tributes was doubtless the admission that the West "is twenty years ahead of the East; not in wealth, in culture, in refinement; but in energy of progress, in warmth of temperament, and in that sagacious instinct which is quick to

¹⁴⁶ *Minnesota History*, Vol. VIII, pp. 152, 153, 161.

¹⁴⁷ Frothingham's *Edward Everett*, p. 426.

¹⁴⁸ *The Atlantic Monthly*, Vol. XXIII, pp. 444, 445.

recognize the spirit of the age.”¹⁴⁹ Even the *Nation*, in an exhortation to cast aside the “vain chimeras” of inflation, appealed to “our brave, sturdy, self-reliant West.”¹⁵⁰

On their side, westerners had the superior attitude of the oldtimer for the tenderfoot. The youthful Grimes, soon after his arrival in the Iowa country in 1836, expressed the sentiment that prevailed throughout this period — not to say how long after:

Here is a fine field for any one who has industry, prudence, and economy, or a speculating turn. — is better fitted for the Eastern country than the Western. He is, if I mistake not, wanting in an essential requisite, energy of character. One must be a driving, bustling person to take well in this country, and must look out for himself, putting not much dependence on any one.¹⁵¹

Of a young minister who was being proposed for service in the West, Asa Turner wrote: “Brother — is a good man, but his upper story is not high enough for a Western minister. If you can find him a place among Eastern people where he can read his sermons, he will do much better than at — and vicinity, where they want men to preach by inspiration.”¹⁵²

The cool and sweeping discounting of the venerable by the youthful was well illustrated by the story, current in the sixties, of the westerner who, upon his first visit to New York, sought to compliment Gotham with the comment, “New York is the Chicago of the East!”¹⁵³ Such confidence defied all traditions and statistics. Here was God’s country and it was open to all who had the good sense and the resourcefulness to seek it and find their

¹⁴⁹ Hoeltje’s *Notes on the History of Lecturing in Iowa, 1855-1883*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXV, pp. 88, 89.

¹⁵⁰ *The Nation*, Vol. VI, p. 190.

¹⁵¹ Salter’s *Life of James W. Grimes*, p. 15.

¹⁵² Magoun’s *Asa Turner*, p. 330.

¹⁵³ *The Atlantic Monthly*, Vol. XXIII, p. 445.

place. A complacent booster declared: "The West wishes the East no harm. She offers the farmer and mechanic a home in the West just so soon as they can see it for their interest to come here."¹⁵⁴

After this review of the manifold evidences of conflicting material, political, and cultural ideas and interests between the northern sections in this most crucial stage of the nation's career, it is natural to inquire if this rivalry and misunderstanding really endangered national unity.

Again, it needs to be recalled that these differences were not new but literally had paralleled the life of the nation. In 1810, in an oft-quoted plea for internal improvements, Peter Porter, who had something of the view point of both sections, declared:

The people of the United States are divided, by a geographical line, into two great and distinct sections. The people who live along the Atlantic on the east side of the Alleghany mountains, and who compose the three great classes of merchants, manufacturers, and agriculturists, and those who occupy the west side of those mountains, who are exclusively agriculturists. This diversity and supposed contrariety of interest and pursuit between the people of these two great divisions of the country, and the difference of character to which these occupations give rise, it has been confidently asserted and is still believed by many, will lead to a separation of the United States at no very distant day.

Porter, on the contrary, was confident that "this very diversity of interest" would, "if skilfully managed, be the means of producing a closer and more intimate union of the States."¹⁵⁵

The management had not been particularly skilful, but, due in large part to territorial expansion and western settlement, national unity had grown steadily. So consistent and intense and so historically notable has western nation-

¹⁵⁴ *Annual Report of the Missouri State Board of Agriculture*, 1868, p. 98.

¹⁵⁵ *Annals of Congress*, 11th Congress, 2nd Session, pp. 1387, 1388.

alism been that an uncritical English writer has been led to charge the West with responsibility for the destruction of the Federal basis of the Union.¹⁵⁶

The war itself stood out as a direct and terrible example of perverted sectionalism. The perils of playing with such fire were obvious while such great conflagration was raging. William P. Sheffield, Representative from Rhode Island, replying to Blair's charge that eastern Representatives were opposing the Pacific railroad bill because it was in the western interest, expressed the wish that "the gentleman had postponed his attempt to get up this sectional party and another sectional strife, until we had overcome the one which we are now trying to put down."¹⁵⁷

Senator Lot M. Morrill, of Maine, decried the sectional interest in this debate. He had supposed that the proposed aid was for a great national project, which must be undertaken, if at all, not for certain interests, sections, or States, but for the general good of the country. Senator Aaron A. Sargent, of California, warned that if such a connection were not made, a generation would grow up on the Pacific coast that knew not the Union but would be sufficient unto itself; and James H. Campbell, of Pennsylvania, demanded rhetorically: "Will you allow an antagonistic feeling to grow up between the great West and the great East, a rivalry of interests and feelings and habits, and never connect them by iron bands?"¹⁵⁸

Joseph A. Wright, Senator from Indiana, wished it understood that his opposition to the agricultural college bill, on behalf of western interests, was "not from any de-

¹⁵⁶ The war "was thus not only a victory of North over South but also of West over East."—Hollis's *The American Heresy*, pp. 175, 176.

¹⁵⁷ *The Congressional Globe*, 37th Congress, 2nd Session, p. 1728.

¹⁵⁸ *The Congressional Globe*, 37th Congress, 2nd Session, pp. 1710, 1948, 2656. For the movement for a "Pacific Republic", see Clark's *Leland Stanford*, pp. 116-119.

sire to excite any sectional feeling". Representative Justin S. Morrill, of Vermont, in the midst of sectional boasting over commanders, denied emphatically that he had ever cast a single vote "based upon any such miserable passion as a local prejudice." He sought to discredit opposition to the internal revenue act by warning that if the opposition's aim "to encourage a system of jealousy of one part of the Union against the other" were realized, the task of suppressing rebellion would be greatly prolonged.¹⁵⁹

It was highly dangerous, Senator Grimes warned, in discussing the localizing of public works in the Northeast, for any section to give the impression that it was trying to monopolize the wealth and power of the country, "because we all desire to preserve this Union just as long as possible. The very way to break it up is to get the opinion entertained in other States that some of the States are using the patronage and wealth of the country for their particular advancement and emolument, and not for the common good."¹⁶⁰

J. B. Grinnell, his colleague in the other House, after one of "Sunset" Cox's characteristic attacks upon Massachusetts, lacked words "to execrate sufficiently such language, in arraying the sections in opposition during a time of war; as if we were not one people, descended from one stock, having one interest, and bound up in one destiny."¹⁶¹

The same moral was constantly pointed in the reconstruction days. In 1868 the *Nation* rebuked Governor Seymour for trying "to magnify the present differences of opinion between East and West into an antagonism like that between North and South, 'which filled the land with

¹⁵⁹ *The Congressional Globe*, 37th Congress, 2nd Session, pp. 1709, 2441, 38th Congress, 1st Session, p. 305.

¹⁶⁰ *The Congressional Globe*, 37th Congress, 2nd Session, p. 2726.

¹⁶¹ *The Congressional Globe*, 38th Congress, 1st Session, p. 2684. Cf. *West of the Mississippi* in *The Continental Monthly*, Vol. IV, pp. 56-60.

bloodshed and mourning.' ”¹⁶² During the speakership controversy in 1869, the *New York Tribune* thus deprecated such a political rivalry along sectional lines: “Plainly, then, there can be no demagogism more degrading or unjust, than that which seeks to array the ‘East’ against the ‘West’ We had hoped that all these sectional phrases and epithets had perished in the war they did so much to foster. We regret to see any attempt to fan them into new life.”¹⁶³ Throughout reconstruction, the West was held to the eastern political and economic program mainly by a continuous “waving of the bloody shirt”.

The force of sectional antagonism was, furthermore, weakened and diluted by divisions of interest within the sections themselves. The period was marked by intensified State loyalty, North as well as South. The State was no more submerged in the section than the section in the nation. It seemed, indeed, as if on the eve of centralization there was a final demonstration of State loyalty and glorification.

While sectional participation in the war was much stressed, still more emphasis was given to the contributions of particular States.¹⁶⁴ Poaching of recruiting officers beyond State borders was much resented and led to defensive legislation. At times it was charged that the brigading of one State’s troops with those of another whose commander was partial to his own men robbed the coöperating State

¹⁶² *The Nation*, Vol. VI, p. 226.

¹⁶³ *New York Semi-Weekly Tribune*, January 19, 1869.

¹⁶⁴ *The Congressional Globe*, 37th Congress, 2nd Session, p. 2249, 38th Congress, 1st Session, pp. 2681, 2683, 2684, 2825; Shambaugh’s *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 31, 32, 58; *Transactions of the Illinois State Agricultural Society*, 1861–1864, p. 99; Byers’s *Iowa in War Times*, pp. 100, 101, 121, 191, 334. Following the opening of the Mississippi, General Sherman wrote that the guiding minds and hands were Grant’s, Sherman’s, and McPherson’s, all natives of Ohio.—*Home Letters of General Sherman*, p. 271.

of proper credit.¹⁶⁵ There was an especially disuniting and demoralizing scramble among the States for generalships.¹⁶⁶

New England had interests quite distinct from the rest of the East. In the war she felt, characteristically, that every other region was out of step. At times she was almost as doubtful of New York and Pennsylvania as of the West. Just before secession Henry Adams informed his brother that Pennsylvania was "rotten to the core just as she was in the revolution", and in the following summer Motley wrote: "There is no doubt whatever, that the conspirators expected confidently to establish their new constitution over the whole country except New England."¹⁶⁷ New Englanders equaled westerners in execrating Pennsylvania's lack of military coöperation and rapacious profiteering in the Gettysburg campaign. In this most unified of the nation's physiographical areas even there was some division along State lines. Thus Blaine wished it understood that Maine did not profit from protection as did other members of the group, and complained that her contribution to the navy was not sufficiently recognized.¹⁶⁸

In the West, with the natural rivalry and emulation of new and rapidly growing Territories and States, the particularistic spirit was manifested openly and frankly. States vied with each other almost in the manner of rival

¹⁶⁵ Hicks's *The Organization of the Volunteer Army in 1861 with Special Reference to Minnesota* in *Minnesota History Bulletin*, Vol. II, p. 348; Byers's *Iowa in War Times*, p. 88.

¹⁶⁶ *The Congressional Globe*, 37th Congress, 3rd Session, pp. 910, 912; Byers's *Iowa in War Times*, pp. 88, 89; Clark's *Samuel Jordan Kirkwood*, p. 242.

¹⁶⁷ *Letters of Henry Adams*, p. 67; *The Correspondence of John Lothrop Motley* (G. W. Curtis, ed.), Vol. II, p. 14.

¹⁶⁸ *A Cycle of Adams Letters, 1861-1865* (W. C. Ford, ed.), Vol. II, p. 45; Hinkley's *Narrative of Service With the Third Wisconsin Infantry*, p. 91; Haskell's *Battle of Gettysburg*, pp. 9, 10, 62, 64, 65, 171, 172; *The Congressional Globe*, 38th Congress, 1st Session, p. 2683.

real estate promoters. A former Illinoisian who had believed that his native State led the world, upon removal across the river in the fifties, was forced to "give Iowa the preference".¹⁶⁹ The migrating homeseeker in 1861 might find assurance from one whose convictions were "matured" that "Kansas presents more advantages and fewer drawbacks for emigrants than any other part of the Union", only to read four years later that "Missouri possesses more natural advantages and adaptation of soil and climate for agricultural pursuits than any other State in the West or in any other part of the country."¹⁷⁰ Missouri's "imperial" position industrially has already been noted. "Missouri and Illinois must be the grand centre; St. Louis must become the first city in the Union, and Chicago the second."¹⁷¹

Chicago's early critics were not all in the East. Writing from his home city of Burlington in 1865 James W. Grimes observed: "I am only a few hours' ride from Chicago, but in a far more quiet, respectable, moral, healthy, comfortable place."¹⁷²

Tastes differed. A young graduate of the Chicago Theological Seminary, called to a small town in northern Iowa, the seat of the leading educational institution of the region, declared: "Oh, how dreadful is this place" and directed his supplications mainly for relief from such an uncongenial field of labor.¹⁷³

A speaker before an Iowa county fair in 1866 wholly disregarded inter-State comity in parading the neighbors' skeletons:

¹⁶⁹ Parker's *Iowa as It Is in 1855*, p. 85.

¹⁷⁰ *Country Gentleman*, Vol. XVIII, pp. 252, 253; *Report of the Missouri State Board of Agriculture*, 1865, Appendix, p. 147.

¹⁷¹ *Report of the Missouri State Board of Agriculture*, 1868, p. 90.

¹⁷² Salter's *Life of James W. Grimes*, p. 280.

¹⁷³ Douglass's *The Pilgrims of Iowa*, p. 188.

California may show its glittering gold dust, tempting and plenty, but we have felt no earthquake shock sending terror to the heart, and against which no human foresight can provide . . . If we have not the milder climate of Missouri, we have pure water. If we have not the finer fruits of Indiana, neither have we the milk-sickness. . . . Michigan may point to the dense forests that darken her land, but no broad, friendly prairie relieves the ax-man's sturdy toil.¹⁷⁴

Most potent of all in fending off weakening assaults of northern sectionalism was the transitoriness of the frontier, through the regular operation of the process by which frontier became "post frontier" and eventually a region stabilized economically, sophisticated intellectually, and conventionalized socially. E. L. Godkin gave assurance to "all friends of rational progress" who were most disheartened by the contemplation of the West's deteriorating and obstructive influences on national culture, that they might "find abundant consolation in the consideration that its action is but temporary, and that every day that passes weakens its force and hastens its disappearance. The greatest fault of new countries is their newness, and for this the great remedy is time."¹⁷⁵ The *Chicago Tribune*, after indulging in no little "sparring and badinage" against the East, concluded that there could really "be no such thing as sectional ill-feeling between 'the East' and 'the West,' as the one is merely an extension of the other."¹⁷⁶

The transforming process was greatly hastened by the impetus which the war gave to industrialization and demonstrated the developmental and progressive basis of northern, as compared with southern sectionalism. With the

¹⁷⁴ *Report of the Iowa State Agricultural Society*, 1866, p. 509.

¹⁷⁵ Godkin's *Aristocratic Opinions of Democracy* in *The North American Review*, Vol. C, p. 224.

¹⁷⁶ *Chicago Tribune*, editorial, January 21, 1869.

completion of the trans-continental railroad Chicago claimed to be an eastern city, and Omaha, graciously recognized by Chicago as "that enterprising little place", resented "the imputation of being in the Far West".¹⁷⁷ East and West continued and would long continue, but time, transportation, and the factory would work more and more for a similarity of interests and consequently of outlook and attitude.

By the end of the sixties there was well under way the unifying force which was given prophetic interpretation three decades later, by an outstanding leader of the new generation, who wrote:

But these are lines of difference which will be effaced by mere growth, which time will calmly ignore. They make no boundaries for armies to cross "East" and "West" will come together by a slow approach, as capital accumulates where now it is only borrowed, as industrial development makes its way westward in a new variety, as life gets its final elaboration and detail throughout all the great spaces of the continent, until all the scattered parts of the nation are drawn into real community of interest.¹⁷⁸

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¹⁷⁷ *Chicago Tribune*, quoted in *Cultivator and Country Gentleman*, Vol. XXXIII, p. 463.

¹⁷⁸ Wilson's *The Making of the Nation* in *The Atlantic Monthly*, Vol. LXXX, pp. 4, 10.

CYRUS BUSSEY'S BOYHOOD

AN AUTOBIOGRAPHICAL SKETCH¹

I was born in Hubbard, Trumbull County, Ohio, on October 5, 1833, the son of Amos Bussey, born in same county in 1806, the grandson of Edward Bussey, born in Maryland in 1782, the great grandson of Edward Bussey, who served as second lieutenant and first lieutenant in the Revolutionary War, and the great great grandson of Edward Bussey, of Harford County, Maryland, who died in 1787, leaving nine children, one Major Bennett Bussey, a distinguished officer in the Revolutionary War. My great grandmother was Ruth Colgate, of Harford County, Maryland, a daughter of Benj. Colgate and his wife, Charity Wheeler, a descendant of Major John Wheeler, who was a member of the Council of Maryland under Lord Baltimore in 1660. My grandmother was Nancy Smith, a daughter of Rev. Amos Smith, who moved from Maryland to Monongehela County, Virginia. Amos Smith had five daughters, and seven sons. All his sons served in the War of 1812.

My great grandfather, Edward Bussey, died in the Revolutionary War. His widow, Ruth Colgate Bussey, moved with her four children to Monongehela County, Virginia, and thence to Trumbull County, Ohio.

George Bussey had come to Virginia in 1635. He came with the Bennetts to Maryland in 1650 and settled on the Patuxent River in Calvert County where, as early as 1654, he paid taxes on about 1000 acres of land. He died in 1668, leaving a will, naming three sons, George, Hezekiah, and Paul. George died in 1693 leaving a will naming six children, George, Edward, James, Henry, Ann, and Mary. Ed-

¹ This manuscript was presented to the State Historical Society by Mr. Cyrus B. Hillis, of Des Moines, Iowa.

ward Bussey, son of George (2) married Martha Evans on August 10, 1701. These are the ancestors of Edward Bussey of Harford County, who died in 1787.

My mother's name was Hannah Tylee, daughter of Samuel Tylee, who moved from Middletown, Connecticut, and was the first settler in Hubbard Township, Trumbull County, Ohio, in 1801. Her grandfather was Samuel Tylee, who married Hannah Emmons (a sister of the Rev. Dr. Nathaniel Emmons, a celebrated divine), at East Haddam, Connecticut, in 1760. Her great grandfather was Thomas Tylee of Essex, Connecticut. Hannah Emmons was a daughter of Samuel Emmons and his wife, Ruth Cone, of East Haddam. An ancestor of Samuel Emmons was Thomas Emmons who came to Newport, Rhode Island, in 1638, and later settled in Boston, joining the old South Church in 1648. My grandmother on my mother's side was Annie Sanford, whose mother was Annie Hubbard, of Middletown, Connecticut.

I was my father's third child. On the sixth of October, 1833, the day after I was born, he was licensed to exhort, in the Methodist Church at Youngstown, by the Reverend David Mack, preacher in charge. On the 18th day of July, 1835, he was licensed to preach, at the same church, by the Reverend Wilber B. Mack, presiding elder. He remained a local preacher and was again licensed to preach on July 15, 1836, by the Reverend Ira Eddy, presiding elder, and the following year, 1837, he was admitted to the Erie Conference. That Conference being full, he was transferred to the Indiana Conference, and appointed to the Greensburg Circuit, being then thirty-one years of age.

I was just four years old when my father moved his family to Beavertown, Pennsylvania, and thence by steamboat down the Ohio River to Aurora, Indiana, and from there by wagons to Greensburg. I remember the trip distinctly

and also many incidents in my life of four years in Ohio. My father's circuit covered a large territory and kept him travelling most of the time. In 1839 he was appointed to the Paris Circuit in Jennings County, where he remained two years. Then one year at Rising Sun, two at Manchester, and two at Vevay. In 1846 he was stationed at Columbus, at which time I was thirteen years old.

It would be difficult for the reader of the present day to understand the condition of Indiana and other western States at that time. The country was sparsely settled, the towns and villages small, the people poor. There were very few churches or schoolhouses, with no public school system, and the private schools, affording but one term of three months in a year, gave little opportunity to acquire an education. My father's family increased, and he was so poorly supported that he was not able to send his children to better schools away from home. He travelled a circuit which required him to preach seven to ten times each week. To meet these appointments he must travel on horseback nearly every day, in all kinds of weather, and accept such hospitality as the country afforded.

His salary averaged about \$300 a year, rarely as much as \$400, and with this he must feed and clothe his family, and feed a horse. A considerable part of the salary was paid in the trade and barter of the country. I have known my father to spend every idle day for a whole year, in the hardest kind of manual labor in the work of erecting a church, wearing out his clothes, but receiving no compensation. He was a successful minister, and always left his charges greatly increased in membership. He was a fluent speaker, and during his ministry of over thirty years never wrote a sermon.

In the winter of 1846, I attended school three months at Columbus, Indiana, my studies being reading, writing,

arithmetic, and geography. I went half through Ray's *Arithmetic*. I never studied grammar. By the spring of 1847, I had finished my education in school, and entered a store just being established, as a clerk. The building had stood all winter unoccupied and without windows or doors. The rain had beaten in, making the floor wet. Doors and windows had just been put in but the locks had not been put on the doors. I was required to sleep in the store as the doors could be barred from the inside. Goods were piled on the counters to the ceiling, so that it was necessary for me to make a bed on the floor. The next morning I awoke with a heavy cold and a severe attack of tonsillitis, which confined me to my bed for three weeks, and left me subject to many attacks during more than half my life. Indeed, I never recovered fully from the effects of that first severe cold. Up to that time I enjoyed perfect health.

In October, 1847, my father was again appointed to the Paris Circuit, and moved by the Madison Railroad to Dupont, Indiana, where he was the guest of David A. Fish overnight, going the next day by wagons to Paris. Mr. Fish had a large store at Dupont, where he did an extensive business. I had not been in town ten minutes before I was behind the counter putting goods in order, and waiting on customers who thronged the store. Mr. Fish was quick to take notice of my actions and asked me if I would not like to remain with him, and accept a permanent clerkship in his store. I was only too glad to accept and my father at once gave his consent. I was just fourteen years old and very small for my age.

I found a most delightful home in the family of Mr. Fish, whose wife was Alice Jane Hill, a daughter of Milton Hill, of Paris, a woman of beauty and goodness, who made me feel as much at home as in my mother's house. The business of the firm was extensive. In addition to keeping all

kinds of goods, the firm packed pork, and worked a large number of men in the manufacture of barrels, tierces, and hogsheads. The purchase of material, its receipt, the shipment of cooperage goods, and weighing of hogs gave considerable labor, in every department of which, in addition to my duties in the store, I was, from time to time engaged.

When I was not yet fifteen years old my father wanted me to go to Ohio, to attend to some business for him at Hubbard, Trumbull County, and bring home several hundred dollars, which was due my mother from the estate of her father, Samuel Tylee, who died in 1845. Mr. Fish gave his consent, and I left for Madison on the 1st of April, 1848, where I took a steamboat for Cincinnati, and there changed to a boat for Beavertown, Pennsylvania, at which place I engaged passage with a gentleman driving a two horse spring wagon for Youngstown, Ohio. We started at one o'clock, but found the roads so bad that after being stuck in the mud most of the afternoon, we arrived at a tavern five miles from Beavertown at dark, where we stayed over night, and where I found an empty four horse wagon going to Youngstown. The driver said I could ride with him.

I was dressed in a suit of fine broadcloth clothes with silver buttons made to order by a tailor, expressly for my visit to the place of my birth, where I was to see my Grandfather Bussey and many other relatives. I had never before worn such fine clothes, and was no doubt proud of my appearance. I sat on a board laid across the wagon bed with the driver, a rough countryman whom I soon noticed looking at my fine clothes. The roads were very muddy and the country rolling, up and down hill. The driver soon determined to have some fun at my expense, and took delight in running his horses down the long muddy hills, when the wheels would throw the mud all over me. It was useless to protest. When I arrived at the hotel in Youngs-

town, I was a sight to behold. When I wrote my name on the register, the proprietor recognized it and proved to be a relative. He had a boy just my size, who brought me a suit which I put on, and sent mine to a tailor, who returned it the next afternoon, cleaned, pressed, and as good as new. The next day I visited Hubbard, where several of my mother's brothers and sisters lived, and the next went three miles to the home of my Grandfather Edward Bussey, on a beautiful farm, where I found a large family of girls, and one son unmarried. They were making maple sugar which interested me very much.

At the end of my visit of three weeks, I received from Jekial Clingan, the money I went for, which I put in a safe place in my clothing, and had it sewed in, and prepared to leave for home. I heard the remark made by some of my relatives that my father was a very foolish man to send so small a boy on so long a journey, after so much money, and predicting that I would never reach home with it. I do not remember a time when my father did not have implicit confidence in my ability to do successfully anything I undertook, and I know that he did not have any anxiety about my safe return. I went to the home of my Uncle Jesse Bussey and stayed all night, and the next morning, my cousin, Smith Bussey, took me to Sharon, Pennsylvania, where I found a canal boat loaded with cheese, going to Beavertown. Although it was a freight boat, without accommodations for passengers, I was taken on board. I had to eat the rough fare provided for the men who ran the boat, but I enjoyed the trip. At New Castle I bought some cakes at a bakery and got through to Beaver all right, and was soon on board a boat for Cincinnati.

I arrived at home in good health and without accident, and was soon at work in the store. Mr. Fish was the postmaster, and kept the post office in the store where I slept. One of my duties was to make up and change the mail. An

express train left Madison at 3 A. M. and passed through Dupont without stopping at 4 A. M. I had to stand on the platform and hold the mail bag, so that the agent could catch it on his arm. In winter this was long before daylight. When the shutters were put up and the windows all closed I was in total darkness, even in daylight. I had no one to wake me, and no alarm clocks existed at that time. Yet I never failed to deliver the mail during two years I had this duty to perform. I remained up, built a fire, and read some useful book until after daylight. During this time I read Rollins's *Ancient History*, Plutarch's *Lives*, many of Scott's novels, Humboldt's *Cosmos*, and other useful books.

Madison, Indiana, was the terminus on the Ohio River of the only railroad in the State and was a large wholesale market where goods were bought as needed to keep up the stock. I kept a memorandum of goods needed, and after I had been with Mr. Fish a year was occasionally sent to Madison to buy goods in a small way to replenish the stock. In this way I made the acquaintance of the wholesale merchants who seemed to be pleased with my business activity. Several of them told me that when I wanted to go into business on my account they would sell me all the goods I wanted on the usual credit. When I was sixteen years old I reluctantly severed my relations with Mr. Fish, bought about \$4000.00 worth of goods and commenced business in Scott County. Had a post office established called Camargo, and was appointed postmaster.

For nearly a year I did a prosperous business, but needing assistance in its management, I decided to take a partner, and move to Wooster, in the same county. Thomas Logan owned a good farm, horses and wagons and seemed capable of being of service to me in looking after much outside business. I took him into the firm as a partner. I soon found I had made a mistake, and tried to buy Mr.

Logan's interest, but he would not sell. He made a proposition to buy my interest, he to assume all liabilities of the firm, close out the business, and pay me one half the net profits. I accepted and turned the business over to him. I left immediately for Dupont to remain with Mr. Fish in the store until the business was settled before beginning again.

Arriving at Mr. Fish's home just at supper time I found the family all glad to see me. I did not ask Mr. Fish if he wanted a clerk but saw in his manner that he was glad I had returned. As soon as supper was over I went to the store and went to work, and remained several months without having any conversation with Mr. Fish about my position. Mr. Logan lost no time in converting the assets of the firm into money, and without paying one dollar of the debts which I owed, left the country, and hid himself somewhere in the far west. My creditors called upon me to pay my indebtedness. I had nothing to pay with. After spending months in a fruitless effort to find Logan, I made a proposition to my creditors, that if they would furnish me another stock of goods, I would commence business again, take no partner, pay each one pro rata as fast as I could realize on the goods sold, and continue the business until I paid all I owed. This they agreed to do, and I moved to Henryville, Clark County, a small town on the Jeffersonville and Indianapolis Railroad, then being constructed. I built a store house and was soon ready for business.

My brother Harvey, four years my senior, who had graduated from the Medical College at Indianapolis and later from the Cincinnati Medical College, also located there to practice his profession. His office was in a room adjoining the store which he and I used as a bedroom. I applied to have a post office established and was appointed postmaster. I was also railroad agent. I found considerable time at night and in the morning before business became active for reading. As I had access to a good medical library, I

commenced the study of medicine. I began with Wilson's *Anatomy*, and went through a complete course, reading all the leading textbooks twice, and making elaborate notes, receiving instructions almost every day from my brother, and one or two other doctors of the town with whom I was on friendly terms. I was a diligent student, was up at 4 o'clock in the morning, and studied until breakfast time. During the day I carried my book with me, and every moment when not occupied in the store I was reading.

My father was an early riser. All my life I had to get up long before daylight in winter and eat breakfast at six. This habit has followed me all my life. I have always been ready for breakfast at seven or eight o'clock when in ordinary health, regardless of the hour at which I retired. I was so absorbed in my medical studies that I had no time for miscellaneous reading. When my brother was absent I would prescribe, extract teeth, or perform minor surgical operations for those calling at the office for medical attention. I spent three years in the study of medicine but never attended a medical college, preferring the business in which I was engaged. The medical knowledge thus acquired has been of great service to me all my life.

In February, 1852, when I was eighteen years old, I took letters of recommendation from Mr. Fish to several wholesale houses in Philadelphia, and went there to buy goods. The trip by steamboat from Louisville to Cincinnati and thence by railroad to Pittsburgh *via* Cleveland was a hard one. The weather was very cold. The cars were frequently delayed for hours either off the track or waiting to meet trains that were delayed. At Pittsburgh I stayed all night at the Monongehela House, and left the next morning on the Pennsylvania Railroad for Philadelphia. Thirty miles out, the road not being completed, we took a stagecoach for eleven miles, where we took cars again and reached the foot of the mountains at 4 P. M. and at 10 P. M. had crossed

over by stationary engines, and proceeded on my journey without further detention, changed cars at Hollidaysburgh, and again at Dillersville, arriving at Philadelphia at 11 o'clock, A. M.

I had made the acquaintance of a gentleman on the train who informed me he was going to stop at the Girard House just opened and asked me to go with him. I was assigned a room, and after a hasty toilet looked about and read a card of rules on the door, at the bottom it said "terms \$2.00 per day", and I almost fainted. I had never paid more than \$1.00 per day, and was not now going to submit to such extravagant rates. I ate my dinner, paid my bill, took my valise, and walked out to find a cheaper hotel. After walking several squares I came to the Van Buren House, terms one dollar a day. I registered my name, left my valise, and went to call on some of the merchants to whom I had letters, among them Julian Mason and Co. and Atwood & Co., where I found a Mr. Sparhawk, a member of the firm, who told me the Van Buren House was not a suitable hotel for me to stop at. He said he lived at the Franklin House on Chestnut Street, advised me to stop there, and invited me to take supper with him. Fearing that this was another two dollar a day house, I sought an opportunity to inquire the terms, which were \$1.50 per day. I again wrote my name on the hotel register feeling that I was about to indulge in a piece of extravagance which was not justified. This incident shows the moderate prices prevailing for hotel accommodations at that time, and notwithstanding the fact that I was handling considerable sums of money, that I practiced the strictest economy in all my personal expenses. I bought a nice stock of goods, and after ten days spent in seeing all that was interesting in the city I returned home.

At the election of 1854 I cast my first vote, it being for

the Honorable Wm. H. English, the Democratic candidate for Congress. In June of that year I went to Rockford, Jackson County, on business, and was introduced to Miss Ellen Kiser, daughter of Dr. Wm. P. Kiser, with whom I spent a pleasant evening. It proved to be a case of love at first sight. Other visits followed and a pleasant correspondence led to our engagement on the 29th of October, followed by our marriage on the 15th of May, 1855. I had made enough if converted into money to pay all I owed, and I decided to sell my business and move to Iowa. L. B. Gurnsey, whose father was a prosperous farmer near town, had been for some time a clerk in my store, and knew what the business was worth. I said to the father that if he would assume all my liabilities, and give me \$75.00 to pay the expenses of myself and wife to Iowa, that I would turn over to him everything I had. He accepted, and is now — 1905 — after 50 years, still in business in the house I built.

I was then at the age when young men usually graduated from college and commenced their business or professional career. I had no college education, and was without money, but I had more than ten years experience which no college student could ever acquire after graduating, as such experience can only be had by commencing as a boy, at the bottom round of the ladder, learning every detail, and doing work that a man would not do. This experience was worth more to me than a large sum of money. I did not have a moment's anxiety about the future. I was most happily married, and was confident of my ability to care for my family.

Iowa as a young and growing State was at this time attracting attention. I had had correspondence with a friend who recommended Bloomfield in Davis County as a good place to establish a store. I determined to go there, and on the 27th day of July started on the journey *via* Louisville,

and thence by boat to St. Louis, where we arrived on the last day of the month.

Although I was a stranger to every one in St. Louis, the wholesale market in which Iowa merchants usually bought their goods, I started out to buy a stock of goods on credit, since I had no money. I called on Samuel McCartney & Co., the largest wholesale grocery house in the city, and told Mr. McCartney I wanted to buy \$1000 worth of goods on the usual time. He asked me where I was doing business. I replied that I was going to Bloomfield, Iowa, to establish a business. He said he did not want to sell any goods to go to Bloomfield, that every merchant from that town who had bought goods of him had failed. I said, "Mr. McCartney the time will come when you will be glad to sell me all the goods I want to buy", and left him.

A little farther down the street I found a new store, filled to the ceiling with groceries, the floor unsoiled. The firm was Bast, Wiley & Bast. I explained my plans to Mr. George Wiley, who took my order for \$1017 worth of groceries. I then asked Mr. Wiley to introduce me to a good boot and shoe house. He took me to Dickson, Orr & Co. saying he had just sold me a nice bill of groceries. Mr. Dickson took my order for boots and shoes, and introduced me to Martin & Co., who sold me clothing, and then to David Pierce, of whom I bought hats and caps and he to Chauncey I. Filley for Queensware, and to other firms, the goods all being consigned to Alexandria, Missouri, five miles below Keokuk, that being the nearest point from which to haul the goods to Bloomfield. When I got on board the boat with my wife, I figured up and found myself in debt to the amount of \$7200.00.

We reached Keokuk on the 2nd day of August, and left next morning in the stage for Bloomfield. Cholera had broken out in St. Louis several days before and was spread-

ing along the river. Before we were five miles from Keokuk, I was attacked by cholera symptoms, but I had supplied myself with cholera remedies, and I was able to control the disease, lying down on the stage seat all day. We arrived at Keosauqua at 10 P. M. and on the next day, Saturday, August 4th, at 4 P. M., we reached Bloomfield. The public square was filled with people listening to a Democratic speech by Harvey Dunlavy. The election was held on Monday, and resulted in the defeat of the whole Democratic ticket, Hon. Samuel A. Moore being elected county judge by 700 majority. It was under these circumstances that I announced myself a Democrat. The Reverend M. Miller whom I had known in Indiana when I lived in Dupont had moved to Bloomfield a few months earlier and had rented the elegant home of Judge H. W. Briggs whose wife had recently died, the judge and their children remaining as boarders in the house. Mr. and Mrs. Miller kindly took us in, giving us a large front room on the second floor.

Two days after our arrival at Bloomfield, Mr. Carson, a prominent merchant who had just returned from St. Louis, died of the cholera. The disease spread through the town. Many of the most prominent people died and business was paralyzed. I secured a store on the southwest corner of the public square, by purchasing a few hundred dollars worth of goods the owner had on hand. It was more than a month after my arrival before I received my goods. I borrowed \$200.00 from John B. Glenn, a druggist, to pay the freight on my goods at Alexandria, and paid for hauling them to Bloomfield in goods, as I had only two dollars and fifty cents of the \$75.00 with which I started for Iowa left on my arrival.

When I opened my store on the 10th of September I had increased my indebtedness to over \$8000.00 but soon had a fair trade. I understood the value of a good credit and as

soon as I had in hand \$50 or \$100 sent it to some one I owed and continued to remit until all my creditors had been paid something on account. I had no difficulty in buying on orders all the goods I needed to keep up my stock.

The winter of 1855-1856 was the severest and coldest in the recollection of the oldest inhabitant. The thermometer was often 25 degrees below zero, with heavy snow, which lay on the ground all winter. I got up at 6 o'clock, got to my store nearly half a mile from the house at 7 o'clock, built a wood fire in the stove, and when the room got warm enough swept it out. My wife was perfectly happy and contented, and spent a part of almost every day with me in the store. She was always bright and cheerful and made my home a paradise. In February, 1856, after I had been in business five months, I took account of stock, and found I had made seventeen hundred dollars. This gave me great satisfaction.

In October, 1856, my father, at my request, transferred from the Indiana to the Iowa Conference of the Methodist Episcopal Church, and was stationed at Bloomfield. Later my wife's brother, Oscar Kiser, who had been for many years in business at Rockford, Indiana, came to Bloomfield and took an interest in my business. We bought out the firm of Briggs & Sawyer, thereby securing a larger store building. We built a Park House² and a large brick smoke house and packed 2000 to 3000 hogs each winter. Later Dr. D. B. Hillis, whose wife was a sister to Mr. Kiser and my wife, was admitted to the firm. We did a larger business and were all employed.

A trivial incident sometimes turns the current of a man's whole life. In the summer of 1858, a Fourth of July celebration was arranged for West Grove, ten miles west of Bloomfield. A committee came to invite Judge Samuel A. Moore, county judge, to deliver the oration. The judge had a

² So written in the manuscript. Possibly it should be "Pork House".

prior engagement, and knew that nearly every man in town who was qualified was also engaged. He said to the committee, "ask Bussey to go". I saw them coming across the square and listened to their invitation. I told them I had never made a Fourth of July address, and did not have time to prepare one. They expressed their regret and retired. In a short time the committee returned, accompanied by Judge Moore. The Judge said, "Young man, you will have to commence this kind of business some time, and this is a good opportunity". I thought perhaps I had made a mistake in declining, and told them I would come and do my best. I had two weeks to prepare. Many of the leading men of the county were present in the large audience assembled, and spoke favorably of my address.

The next summer the Democratic county convention met to nominate candidates for the various offices to be voted for by the people. No one had spoken to me about being a candidate; nor had the thought entered my mind. I was busy in my store, and had not been near the convention or talked with a delegate. About three o'clock in the afternoon a committee came from the convention to notify me that I had been nominated for State Senator. They asked me to come to the convention and accept the nomination. I went, made a short speech, saying they would hear from me in the campaign, and hurried back to my store. I learned that the delegates from West Grove and other townships had secured my nomination. The Republicans nominated as my competitor, Judge Samuel A. Moore who had been elected county judge by seven hundred majority four years before. He was a man of large experience, had served in the Indiana legislature, was a fine speaker, and was confident of being elected.

I published appointments in every township in the county, and invited Judge Moore to meet me. We divided

the time, speaking three hours at each meeting. I proved equal to the emergency, and was elected by a majority of 305 votes. I told the Judge this would not have happened if he had not urged me to go to West Grove.

The legislature convened on the 1st day of January, 1860. I arranged to take my wife and daughter Cora, then sixteen months old, to Des Moines, to spend the winter with me. We left Bloomfield in a two horse spring wagon, when the thermometer was twelve degrees below zero, the ground covered with a heavy snow, and the wind blowing a gale from the northwest. It was impossible to avoid great suffering from the cold. My father was at this time stationed at Knoxville, Marion County. We stopped there one day to visit my father's family, whom we had not seen for a year.

The Senate was composed of twenty-one Republicans, and twenty-one Democrats. When all were present the Lieutenant Governor, a Republican, gave the casting vote. I was the youngest member of the Senate, which contained some able men, among them J. F. Wilson, later United States Senator from Iowa, Alvin Saunders, United States Senator from Nebraska, David S. Wilson, of Dubuque, John W. Rankin, of Keokuk, W. F. Coolbaugh, a leading banker of Burlington, H. G. Angle, of Cedar Rapids, and others. Party lines were closely drawn. The refusal of Governor Kirkwood to surrender Barclay Coppoc, one of the John Brown raiders into Virginia, on the requisition of Governor Wise of that State, caused a bitter discussion. I voted for every Democratic measure, and opposed every Republican measure where party lines were drawn.

The State convention to nominate delegates to the Charleston Convention assembled during this session of the legislature. I was elected an alternate delegate. On my return home early in April I found important business requiring my attention, and did not attend the Charleston

Convention, but did attend the adjourned meeting of the Convention at Baltimore, in June, 1860, and served as a delegate. I traveled en route from Cincinnati to Washington, D. C., in the car occupied by Bob Johnson of Arkansas and other southern delegates, and heard him utter the first treasonable sentiments I had ever heard. I stopped several days at Brown's Hotel in Washington, where I saw gray-haired old Virginians, carrying the pikes taken from John Brown at Harper's Ferry. I had seen the bullet marks on the bridge as I passed through that town, giving evidence of the conflict, and now I heard these Virginians say they would secede.

We met delegates from every southern State, who demanded concessions which I felt never could be accorded. Hon. Ben M. Samuels was the leader of the Iowa delegation. With him I called at the residence of Stephen A. Douglas, and spent two hours with Mr. and Mrs. Douglas. We arrived in Baltimore, Maryland, the day before the Convention assembled, and with Hon. D. O. Finch of Des Moines I was the guest of Hon. W. H. M. Pusey, of Council Bluffs, also a delegate, and a member of the Iowa Senate, at the residence of his father, where we were entertained in elegant style.

Great meetings were held every night in the square in front of Reverdy Johnson's residence, where speeches were made by William L. Yancey, and other extreme men of the South. I saw there and in the Convention many men who later became prominent officers in the Confederate Army, some of whom I confronted in various campaigns in the war. I was present in the Convention when Benj. F. Butler stamped the dust from his feet and withdrew from the hall. It was the darkest hour in the history of the nation. When the Convention adjourned and the disruption of the Democratic party was complete, I went home and took an

active part in the campaign for Mr. Douglas, telling the people that war was inevitable, as Mr. Lincoln would surely be elected.

About this time Mr. Kiser and Dr. Hillis determined to move to Keokuk and open a business house there, and I bought their interest in the business at Bloomfield. The last of February, 1861, I started for New York to purchase goods, intending to stop at Washington and see Mr. Lincoln inaugurated, but I was quite ill when I reached Pittsburgh and went through to New York without stopping, thus losing the only opportunity I ever had of seeing Mr. Lincoln. This I have always regretted. In after years when he became the most conspicuous figure in the country I would have been glad to say I had seen him as I had his signature attached to my commission as a Brigadier General. I returned home about the 25th of March, much improved in health.

I was then living in the beautiful home formerly occupied by Stiles S. Carpenter, near my store. I now had two children, a second daughter, Nellie, having been born in January, 1861. My business was prosperous, my health good, my wife in good health and perfectly happy and greatly attached to her home. I did not then think anything could induce me to leave my family, except for a brief period on business.

The news of the firing on Fort Sumter was brought to Bloomfield by receipt of the *Burlington Hawk-Eye*, which came by stage. The news spread rapidly through the town and was read to a large crowd which assembled in front of my store. I was the Senator, and was called on for a speech. We all realized that civil war had begun. There was great excitement. When I went into my house I found my wife greatly alarmed. She threw herself into my arms, and asked me to promise her that I would not leave her and

her two little children and go into the army. I assured her that I had no idea of ever becoming a soldier, that my business and my love of home would keep me out of the war.

A majority of the Democrats of the country were opposed to giving aid to suppress the rebellion. A public meeting was called by a hand bill, in which Senator Cyrus Bussey and Representatives Harvey Dunlavy and Marvin Hotchkiss were invited to "come out and show their hands". I attended the meeting and made a patriotic speech, declaring it to be the duty of every patriot to aid the President, without regard to former political party affiliations in his duty of suppressing the rebellion, declaring that "I was not only in favor of putting my hand in the treasury for this purpose, but my arm to the shoulder". Dunlavy and Hotchkiss did not speak. When the meeting closed I was surrounded by excited Democrats, who informed me that I had made a d — d fool of myself. They said, "don't you know the war was brought upon the country by the republican party now let them fight it out". I replied that if it was necessary for a man to be a traitor to his country to be a Democrat I should cease to be one.

The extra session of the legislature convened on the 15th day of May. I was a member of the Military Committee, voted with the Republicans on every question, and returned home the 3rd of June. On the 11th I was appointed by Governor Kirkwood aide de camp on his staff, with the rank of lieutenant colonel of cavalry, and was authorized to assume command of all military matters in the southeastern part of the State. All these incidents in my life outside of my legitimate business affairs were the result of my delivering a Fourth of July address at West Grove in 1858.

CYRUS BUSSEY

THE CAREER OF CYRUS BUSSEY

Cyrus Bussey of Bloomfield was elected on the Democratic ticket as a member of the Iowa State Senate in 1859, and served in the Eighth General Assembly. When Fort Sumter was fired upon in April, 1861,¹ and it was apparent that war was inevitable, the excitement in Bloomfield was intense, and a public meeting was called "to Confer with our Senators and Representatives upon the legislation proper to be had at the approaching Special Session of the legislature". Bussey, the Senator from that district, and Harvey Dunlavy and Marvin Hotchkiss, the two Representatives, were invited to present their views at the meeting.

Senator Bussey responded in a speech in which he briefly reviewed the existing conditions of the country, and set forth in a high "spirit of patriotism" the duty of every citizen. At the close of the meeting some of Mr. Bussey's Democratic friends declared that he had "made a great mistake" — that "the war was brought upon the Country by the Republican party and that that party should be left to fight it out". Mr. Bussey replied that if he must be disloyal to the Union in order to be a Democrat, he would cease to be one.

Governor Samuel J. Kirkwood called a special session of the legislature to convene on May 15th, for the purpose of passing legislation relative to war activities. The members

¹ The material concerning the military career of Cyrus Bussey was taken largely from his own story of his life during the Civil War. These manuscript records, which fill fourteen notebooks of medium size, are not daily journals, but appear to have been written some time after the war. The notebooks were loaned to The State Historical Society of Iowa by Mr. Cyrus B. Hillis of Des Moines.

of the legislature were equally divided — one-half being Republicans and the other half Democrats. Many of the Democrats were not in sympathy with war legislation, and some of them were avowedly southern sympathisers.

Mr. Bussey writing upon this situation at a much later date said: "The reader of the present day, can with difficulty understand or believe that any considerable number of men living in the Northern States and enjoying the protection of the Government, could withhold their sympathy from our soldiers in the field, and wish success to the Confederates. Yet, such was the fact. The tie which had for half a century existed between the Northern and Southern democrats proved stronger than their love for the Union. They were willing to 'let the Southern States go in peace', rather than use force to coerce them to remain. They evinced their feelings, whenever a Union defeat was reported, by expressions of joy, and were correspondingly depressed when the victory was on the side of the Union Army. In every State of the Union North, this influence had to be resisted. While but one party existed in the South, and that party declaring its purpose to dissolve the Union. There were two parties in the North, one of them the democratic, seeking to get control of the National and State governments, and 'giving aid and comfort' to the enemy by declaring the War 'a failure' and by denouncing the Union soldiers as 'Lincoln hirelings'. Many democrats went South and took up arms in behalf of the Confederate cause. These were exceptional, but sufficient to demonstrate the disloyalty of a portion of that party, however, there were a great many loyal democrats who enlisted in the Army, most of whom severed their allegiance with that party. Many democrats who remained at home were loyal and sympathized with the Union Cause, but were powerless to commit their party to that policy. I had been all my life

a democrat and had abundant evidence of the feeling prevalent among the members of that party in the West."²

Although a member of the Democratic party, Senator Bussey was definitely in sympathy with the North. In the special session of the legislature he was placed on the Military Committee, which reported a bill which finally passed, appropriating \$800,000 for war purposes.

Upon the adjournment of the legislature, Senator Bussey returned to his home in Bloomfield, with no thought of active service in the Army. On the 11th of June, 1861, however, Governor Kirkwood appointed him as one of the aids de camp on his staff with the rank of lieutenant colonel of cavalry. Colonel Bussey was assigned to a district consisting of Lee, Van Buren, and Davis counties and was authorized to organize a company of men in each of these counties for the purpose of defending the border against invasion by the Confederate forces from Missouri. He was advised by the Governor that arms would be furnished his men as soon as they could be obtained from the government.

Companies were organized in accordance with the Governor's instructions. Hugh J. Sample was elected captain of a company organized at Keokuk in Lee County; Emanuel Mayne of Keosauqua led the company organized in Van Buren County; and Henry H. Trimble of Bloomfield headed a company in Davis County. Military equipment could not be obtained for these men, but they were instructed to hold themselves in readiness for service as soon as arms could be obtained.

Colonel Bussey communicated with the leaders of the Union forces in northern Missouri and plans were made for coöperation between Iowa and Missouri troops in case of necessity. On the 27th of July, 1861, Governor Kirkwood wrote to Colonel Bussey saying: "You are author-

² *Notebooks of Cyrus Bussey*, No. 1, pp. 57-59.

ized, for the protection of our Citizens and of loyal Citizens of Missouri to call into the service of the State three companies of the Regiment of mounted men provided for by the laws of the Extra Session of the current year. You will arm them with such arms as you have and furnish them with ammunition. . . . You will use these companies or any of them, at your discretion to secure the above objects — not crossing the Missouri line unless absolutely necessary, but doing so without hesitation should such necessity exist.”³

As no arms had yet been furnished by the State, Colonel Bussey visited General John C. Frémont at St. Louis, Missouri, in an effort to obtain supplies. He declared that southern sympathizers were numerous in northern Missouri and southern Iowa, and that Confederate troops would doubtless make a raid in Iowa to obtain horses and provisions to take south into the Confederate service. He requested guns for his soldiers but was advised that none were available. He also asked for 100,000 rounds of ammunition, and General Frémont yielded to the request and gave the order, although he questioned the advisability of issuing ammunition without guns. Only 50,000 rounds were, in fact obtained. These were shipped to Keokuk immediately. As a result of the interview between Colonel Bussey and General Frémont, the Fifth Iowa Infantry under Colonel William H. Worthington and the Sixth Iowa Infantry under Colonel John Adair McDowell were ordered to move from Burlington to Keokuk to strengthen the Union forces on the Missouri border. When these troops arrived at Keokuk, General John Pope, in need of troops to repel an attack being made by General Sterling Price at Boonville, Missouri, ordered

³ *Notebooks of Cyrus Bussey*, No. 1, pp. 7-10. For an account of this incident see Bussey's *The Battle of Athens, Missouri*, in the *Annals of Iowa* (Third Series), Vol. V, pp. 81-92.

these troops on to St. Louis to secure equipment, and the Iowa border was again left without adequate protection.

With conditions becoming more and more hazardous in Missouri, Colonel Bussey believed that there was imminent danger of an invasion of Iowa unless troops could be equipped at once to defend the State. In this emergency he was compelled to rely upon the settlers along the border to hold themselves in readiness to defend their own homes, and he found loyal citizens of both Iowa and Missouri ready to co-operate.

Governor Kirkwood had been called to Washington and had authorized Colonel Bussey to use his own discretion in handling the local situation. Colonel Bussey had in turn dispatched a man to Missouri to ascertain conditions there, and the messenger had returned with the news that the Confederates, fifteen hundred strong, were organized and would probably advance against the city of Keokuk.

Upon the receipt of this news, Colonel Bussey started at once for Keokuk, and upon his arrival there, telegraphed to General Frémont for arms, and notified the railroad officials that an attack might be expected. He then went to see Samuel F. Miller relative to providing adequate defense for the city, and while the two men were conferring John Given, a railroad official, appeared with a bill of lading for a thousand guns which had been consigned by the War Department at Washington to Colonel Grenville M. Dodge at Council Bluffs. The guns were to be transferred to the Hannibal and St. Joseph Railroad for transportation to their destination.

The 50,000 rounds of ammunition which he had obtained from General Frémont was of the right caliber for the guns, and without hesitation Colonel Bussey seized the guns and ordered the train to be ready to move at a moment's notice to distribute the guns. He gave out 200 guns in Keo-

kuk and sent another 200 to Athens, Missouri. The remaining guns were distributed at Farmington, Keosauqua, and Bloomfield, and then Colonel Bussey hastened back to what he thought would be the point of attack at Keokuk. Before he arrived at Keokuk, however, he was met by a messenger who had been dispatched to tell him that an attack was being made at Athens, Missouri.

When Colonel Bussey arrived in the vicinity of the war area he found troops already assembled. A body of Home Guards under the leadership of Colonel David Moore had erected barricades in the streets of Athens and resisted the enemy until troops could arrive. The attack on Athens was made on the morning of August 5, 1861. Troops from Keokuk, Farmington, and Croton, equipped with the arms which had been consigned to Colonel Dodge, arrived in time to prevent the Confederate forces from taking Athens, and by noon the Confederates were defeated and had started southward.

The foresight and initiative which Colonel Bussey had exercised in seizing and distributing the arms consigned to Colonel Dodge prevented a Union defeat at Athens, and doubtless prevented the Confederate forces from invading Iowa soil. Colonel Bussey, however, received several letters criticising him for having seized military arms in transit, but when the authorities learned what had been accomplished he was highly commended. General Frémont said: "Not one man in a million, not an Officer in United States service would have assumed such responsibility." As a result of this service Bussey was given a commission as colonel and was authorized to enlist a regiment of cavalry for Union service to rendezvous at Keokuk.

A call was issued for men to enlist and to bring their horses with them. Within ten days twelve hundred men had volunteered — many more than could be accepted for

service at that time. Colonel Bussey was then only twenty-seven years of age, and was without scientific military training, his experience having been that of a merchant.

Before Colonel Bussey's men had enlisted he received a long letter from General John Pope — commanding officer in northern Missouri — instructing him to move into Missouri and take an active part in the defense program. This, of course, he was unable to do at that time.

On August 26, 1861, the men were mustered into service as the Third Iowa Cavalry, and stationed at Camp Rankin in Keokuk. On September 4th it was learned that more than four hundred Confederate troops were stationed in the northern counties of Missouri, and orders were received from General Pope to take the field against them. Equipment was not yet available, but Colonel Bussey had a conference with General Pope and obtained sufficient equipment for defense.

Early in September, Colonel Bussey again appealed to General Frémont for supplies, and on September 19th orders were issued for him to purchase the necessary supplies. Colonel Bussey at once went to Chicago and made extensive purchases. His experience as a merchant enabled him to select the best supplies available, and as a result his men were eventually equipped in an excellent manner. By November 1st the equipment had arrived, and the Third Iowa Cavalry was ordered to report at Benton Barracks, near St. Louis. Upon their arrival there, they came in contact with other troops from Iowa, and from various other States, but none were better equipped or trained than they.

Samuel R. Curtis had been in command at Benton Barracks, but soon after the arrival of Colonel Bussey and the Third Iowa troops, Curtis was succeeded by William T. Sherman. Soon after assuming command General Sher-

man ordered all troops to appear for review by General Henry W. Halleck and himself. Colonel Bussey's regiment "was in splendid condition embracing over one thousand men, mounted on fine horses, elegantly equipped, with banners and guidons flying and sabres flashing, as they went through the manual of arms". When the regiment had passed the reviewing stand, both General Halleck and General Sherman complimented Colonel Bussey upon "the magnificent drill and the efficiency displayed by the command". On two or three occasions during the month of January, 1862, Colonel Bussey was ordered to march his whole regiment through the streets of St. Louis. The object of this, no doubt, was "to make a display of force, for the benefit of the disloyal element then in large numbers in the city".⁴

While Colonel Bussey was at Benton Barracks, he was visited by his wife and daughter Cora, who remained for some time in comfortable quarters provided for them there. On the 5th of February, 1862, these guests left, and on the following day Colonel Bussey left St. Louis, having received instruction to go to Rolla, Missouri, and report to General Samuel R. Curtis.

Upon his arrival at Rolla, he found that many of the troops were ill, and that scarcely enough remained to perform post duty. Moreover, he learned that troops were needed to defend the town of Salem. He telegraphed to General Curtis, and received instruction to advance by forced march to Lebanon, where Curtis was stationed. The commander at Rolla, however, telegraphed to General Halleck to have this order countermanded and to hold Colonel Bussey's troops there. Other troops were sent to Rolla. Two companies of the Third Iowa Cavalry were dispatched under Major William C. Drake to protect Salem, and the

⁴ *Notebooks of Cyrus Bussey*, No. 2, p. 4.

remainder of the regiment under Colonel Bussey was sent to join General Curtis.

On the morning of February 13th, Colonel Bussey with his men and an ambulance loaded with ammunition started on this forced march to Lebanon. Weather and road conditions were so bad, however, that the ambulance was abandoned, and the soldiers dismounted from their horses and walked a part of the time in order to facilitate travel. Colonel Bussey, himself, dismounted and requested every officer and man to do likewise, thus affording great relief to the horses.

Upon arriving at Lebanon they found the town deserted, General Curtis's army having moved on to Springfield. No supplies were to be found except flour and fresh beef. The troops were without tents or equipment of any kind. Colonel Bussey writing of conditions later said:

The weather had turned very cold, freezing the roads and ponds in a few hours so hard that a six mule team could pass over them without making the slightest impression. A heavy snow storm set in and continued all day and night. We camped in the woods, near the town, where fires were made, and the flour which we had procured was made into dough by mixing it with water in the corners of our rubber coats, rolling dough around sticks and baking it before the fire. From a pile of logs set on fire several large rattle snakes were run out and killed. The snakes were broiled and eaten by the men with a relish, and pronounced excellent!⁵

The march on to Springfield was over extremely rough roads. When the troops arrived there, they went into camps which had been deserted by the enemies. Food and supplies were also available.

From Springfield the march was continued to Wilson's Creek, Cassville, and then to Sugar Creek, Arkansas, where the troops joined the army of General Curtis. On this march the troops learned that General Benjamin McCulloch

⁵ *Notebooks of Cyrus Bussey*, No. 2, pp. 22-26.

had told the people that the Union soldiers would murder every woman and child found in the country, and that many of the inhabitants had followed the Confederate army. Those who were unable to go were surprised to find that "they were not only unmolested, but that guards were placed at their houses to protect them".

In describing this overland journey Colonel Bussey said: "This march of more than 220 miles from Rolla to Sugar Creek, through mud, rain, sleet, snow, and severe cold, without tents or camp equipage of any kind, has ever been considered by my regiment as equal in severity to any service it ever performed. It was endured by the men like veterans, and without a murmur."⁶

After a brief rest at Sugar Creek, Colonel Bussey moved on to Fayetteville, Arkansas, where his troops captured the town without resistance — the Confederate troops fleeing as he entered the town. In Fayetteville there was widespread evidence of destruction of property. General McCulloch had instilled a great fear into the minds of the citizens by destroying property on every hand, and representing that the Union forces would wreak vengeance upon all who remained in the village. Citizens everywhere were surprised to learn that Colonel Bussey and his troops were not revengeful and cruel as had been represented to them by the Confederate forces.

From the 22nd of February, 1862, until the 4th of March troops were kept on the move, reconnoitering toward the Boston Mountains, where the Confederates were concentrating in large numbers. On the night of March 5th the enemy, 40,000 strong, was reported as advancing, and the Union forces were ordered to fall back to Sugar Creek. In making this retreat, troops under General Franz Sigel were attacked, and Colonel Bussey was called upon to aid in the

⁶ *Notebooks of Cyrus Bussey*, No. 2, pp. 33-36.

defense. A running fight ensued, but the enemy abandoned the pursuit when they arrived withing a few miles of Sugar Creek.

On March 7 and 8, 1862, the battle of Pea Ridge was fought. In addition to five companies of the Third Iowa Cavalry — A, B, C, D, and M — Colonel Bussey in this engagement had a considerable number of Missouri troops under his command. The Union army, however, was considerably outnumbered by the Confederate forces. This was the first battle in which Colonel Bussey and the Third Iowa Cavalry were in direct conflict with the enemy.

In writing of this battle, Colonel Bussey said: "The gallantry displayed by our forces in this unequal conflict was remarkable, notwithstanding the fact that our regiments were overwhelmed by the vastly superior forces of the enemy, composed of the best drilled Veteran troops of Louisiana, and Arkansas. There were large bodies of Texas Rangers and Indians engaged under leaders whose names were supposed to strike terror to our men, who were for the first time under fire."

While a considerable number of Confederate troops were serving under well trained leaders, some of the troops were not well trained. Among these was a body of Indians. When these were placed in the thick of the fight the Confederate forces "speedily disintegrated into an uncontrollable rabble".⁷

The Third Iowa Cavalry lost 51 men at the battle of Pea Ridge. When Colonel Bussey returned from the battle he was informed that many of these men had been wounded, then captured and killed by Indians under the leadership of Albert Pike. The total Federal loss is reported as 1384, while the Confederate loss is estimated at something more than 800.

⁷ *Notebooks of Cyrus Bussey*, No. 3, pp. 24-44, 49, 51, 53; *Stuart's Iowa Colonels and Regiments*, p. 586; *Hosmer's The Appeal to Arms*, p. 108.

Colonel Bussey in writing about this battle said: "General Curtis's victory at Pea Ridge furnishes an example where a force greatly superior in numbers was defeated in a fair fight in the open field, without the aid of defenses of any kind by a force as inferior as 10,500 is inferior to 25,000. Van Doren's army outnumbered the Army of General Curtis in men and artillery in the ratio named." The battle of Pea Ridge was one of the most difficult battles in which the Third Iowa Cavalry fought.⁸

When the Confederate forces left the Boston Mountains to march against General Curtis, just before the battle of Pea Ridge, it is said that "doubtless every man in that Army expected a decisive, and easy Victory". From the beginning of the war they had heard of many Union defeats. They had come to "honestly believe in the superiority of the Southern soldier over his Northern antagonist". The results of the battle proved, however, that the Confederate forces had failed to make a proper estimate of the real strength and bravery of the Union army.

The defeat of the Confederates at Pea Ridge was complete and final. A citizen of Fayetteville who witnessed the retreat of troops through that city said: "About 10 o'clock on Sunday morning, the Army, which a few days before, had passed my house so exultant and confident of an easy and complete Victory, came back; but it was an Army no longer. The Army was a confused mob — not a regiment, not a company in rank, save two regiments of cavalry, which, as a rear guard, passed through near sun down; the rest were a rabble rout, not four or five abreast, but the whole road, fifty feet wide, perfectly filled with men, every one seemingly animated with the same desire to get away. Few, very few, had guns, knapsacks or blankets. Everything calculated to impede their flight had been abandoned;

⁸ *Notebooks of Cyrus Bussey*, No. 4, pp. 50-68; *Stuart's Iowa Colonels and Regiments*, p. 586; *The New International Encyclopaedia*, Vol. XVIII, p. 231.

many were hatless; very few words were spoken, few of them had taken any food for two or three days; they were thoroughly dispirited. And thus, for hours, the human tide swept by, a broken, drifting, discouraged mass, not an officer, that I could see, to give an order; and, had there been, he could not have reduced that formless mass to discipline or order.”⁹

Soon after the battle of Pea Ridge Colonel Bussey was granted a leave of absence to make a journey to St. Louis on business connected with the regiment. He made the journey alone, going by way of Rolla, through the enemy's country. In this adventure he was in constant danger of encountering parties of guerrillas. Near the town of Waynesville, Missouri, he suddenly came upon eleven men whom he recognized as guerrillas. He could not turn back with safety. Accordingly, he drove spurs into his horse, and rushed up to the men. Stopping suddenly before them he called to them as rapidly as he could: “How are you, gentlemen; how far to the next house? Can I get forage there for five hundred cavalry?”

Scarcely waiting for a reply he dashed away again at full speed. Continuing on to St. Louis he transacted his business, and in a few days returned without further encounters. Upon his return to his troops near the Arkansas border, he was presented with a magnificent sword as a token of bravery. This sword with his commission was later deposited in the Historical, Memorial and Art Department Building in Des Moines.

Upon his return from St. Louis, Colonel Bussey found his army ready to start on a new campaign “which was to be fraught with peril and privation”. The line of march was over a rough mountainous country, at a season of the year when the roads were almost impassable for heavy

⁹ *Notebooks of Cyrus Bussey*, No. 5, pp. 1-11.

wagons and artillery. Despite these conditions the army started on a march of two hundred and fifty miles southward into the valley of the White River in Arkansas.

On the 15th of April the army was in camp on Bear Creek west of Forsyth, Missouri. Heavy rains had fallen causing the streams to become impassable, while wagon trains and the artillery were reported as "floundering through mud a foot deep". Writing of conditions a few days later than this Colonel Bussey said: "It rained night and day for a week, during which time my cavalry were scouting beyond Gainesville, looking for the enemy. Our troops were on very short rations, and the Country was so poor that subsistence could not be procured. On the 25th of April we arrived at Vera Cruz, Missouri, having traveled for a week over the roughest roads to be found in the Ozark Mountains. To obtain forage we had to take everything found within twenty-five miles of our line of march."¹⁰

When the troops moved from Vera Cruz to Westplains, Missouri, four hundred rebel troops "left in haste" as the Union forces entered the town. From Westplains the troops moved on southward to Salem, Arkansas, arriving there on the 30th of April. The mills along the line of march were seized and run night and day by details from the various regiments to furnish rations of flour to the soldiers. This, together with fresh beef obtained along the way, constituted the chief supply of food.

At Salem, Colonel Bussey was ordered to prepare ten days rations, and proceed with the cavalry in advance of the army toward the White River. At daylight on the morning of the 4th of May his regiment led the army into Batesville — the enemy having crossed the river and moved in the direction of Little Rock. While in Batesville, Colonel

¹⁰ *Notebooks of Cyrus Bussey*, No. 5, pp. 29-32.

Bussey spent some time serving as president of a general court martial in the trial of a number of prisoners.

During the month of May the Third Iowa Cavalry made numerous expeditions, watching the movements of the enemy, but not coming in direct conflict with them until May 30th. On that date there was a severe skirmish with the rebels near Sylamore, about fifty miles northwest of Batesville. Scouting continued throughout the month of June without any serious conflicts with the enemy.¹¹

On the 1st of July advances were made with the Third Iowa Cavalry well in advance of the other troops. The heat and dust of summer had begun to make travel difficult. Writing of conditions early in July Colonel Bussey said:

We had had no water during the march, except such as could be found by the roadside in ponds on which was a green scum, thick enough to float a hat. The dust and heat was oppressive. The next morning was the glorious fourth of July. Memorable as the birthday of the Nation which was now sought to be destroyed. We decided to celebrate the anniversary in the old fashioned spread eagle style, but, before doing so, I was ordered to go, with my regiment on a scout to procure supplies. A force of the enemy was encountered, but they retreated, leaving their tents and other property, which we brought into camp. At a fine plantation house one of my foraging parties found a new-made grave in the yard It had a headboard and foot board — but no name on either. The boys dug open the grave and resurrected the corpus, which consisted of 2000 pounds of bacon and a bag of salt.¹²

During the following days scouting and reconnoitering continued, with Colonel Bussey's men frequently leading the way. Rigid rules of discipline were enforced by Colonel Bussey at all times and his men were always well trained and dependable. Captain H. D. B. Cutler in writing of Colonel Bussey and his command later said:

¹¹ *Roster and Record of Iowa Soldiers in the War of the Rebellion*, Vol. IV, p. 426; *Notebooks of Cyrus Bussey*, No. 5, pp. 33-45.

¹² *Notebooks of Cyrus Bussey*, No. 6, pp. 1-6.

Much of this enviable reputation is due to the earnest efforts of Colonel Bussey, who embraced every opportunity of inculcating in the men a State and personal pride in the honor of the Regiment, and rigidly punishing any infraction of orders. Straggling and plundering on the March has ever been strictly forbidden, and the order enforced by him was not from regard for the rebels but to preserve the morals of the men, that they may return home as good citizens as when they left. And much is due to the sterling integrity of the men themselves, who are the flower of Southern Iowa, and feel that they have a reputation at home that must remain untarnished. The result is the regiment is unexcelled for decorum and order, and I hazard nothing in asserting that it is unequaled for sobriety by any regiment from the west.¹³

In July, 1862, Colonel Bussey's troops arrived at Helena, Arkansas, on the banks of the Mississippi River. Upon the arrival of troops there, a substantial fort was erected and named Fort Curtis. During the remainder of the year troops were engaged in numerous marches, in reconnoitering and scouting in the region around Helena.

On the 2nd of September General Frederick Steele sent a letter to the Secretary of War commending very highly the work of Colonel Bussey, and recommending him for promotion to the rank of Brigadier General. A few days later General William T. Sherman who was in command of troops at Memphis, Tennessee, made a similar recommendation. General Sherman in writing to Colonel Bussey concerning this matter said: "I assure you your promotion will be hailed by me personally, and officially as a good one." General Curtis likewise recommended this promotion and spoke in highest terms of the "gallantry" which the Colonel had displayed, especially at the Battle of Pea Ridge.

Shortly after this an incident occurred which shows something of the esteem in which Colonel Bussey was held by the commanding officers. Troops under the command

¹³ *Notebooks of Cyrus Bussey*, No. 6, pp. 19, 20.

of Brigadier General Alvin P. Hovey were being placed on a steamer for transportation. Colonel Bussey had been up all night in preparation for the trip. In the morning Colonel Kinney of the Fifty-sixth Ohio Infantry came on board and commanded Colonel Bussey to place his troops on board "without any more delay". Colonel Bussey responded that he was commanding the boat and needed no orders regarding the matter. A controversy ensued which was reported to General Hovey. Presently one of General Hovey's staff officers appeared in the cabin of the boat and inquired for Colonel Kinney. The Colonel stepped forward to receive a message, but was chagrined when he read the contents: "General Hovey sends his compliments to Colonel Kinney and requests him to report to Colonel Bussey for orders."

Union troops were still stationed at Helena when the Emancipation Proclamation was issued on January 1, 1863. Colonel Bussey reported that on the day following the issuance of the Proclamation an old slaveholder came into the city bringing a large number of slaves with him. He told the Colonel that he wanted "to turn them over to the United States Government", and desired Colonel Bussey to give him a receipt for them. The Colonel told the old man that the negroes were already free, and that he was violating the spirit of the proclamation in restraining them of their liberty and in compelling them to march from the plantation into town. Colonel Bussey then talked to the negroes and advised them to continue to work for their former master for such wages as he might be able to pay them. They accepted this advice and all returned to the plantation.

Shortly after the issuance of the Emancipation Proclamation colored recruits coming into the army attracted wide attention, and led to much controversy. Plans were made

to organize colored regiments. Commenting upon this situation Colonel Bussey said: "In view of these measures the leaders of the democratic party, North, raised a tremendous protest, calling upon the soldiers in the army to throw down their arms and come home, if they were to be 'disgraced to serve along side of negroes'".

Colonel Bussey did not approve of the attitude which was frequently manifested against the introduction of negro troops. Moreover, he thought that something ought to be done to counteract the influence of northern copperheads who were writing to the men in the various regiments urging them to desert the service. Accordingly, after conferring with other officers he was active in forming a resolution condemning all opposition to the policy of the government in this matter. This resolution was presented to the troops and unanimously adopted by them.

Colonel Bussey remained in service at Helena for more than ten months, and at various times commanded nearly all of the troops in that division of the army. The commanding officers under which he served included Samuel R. Curtis, Frederick Steele, B. M. Prentiss, W. A. Gorman, A. P. Hovey, E. B. Washburn, William P. Benton, and Leonard F. Ross. General Prentiss wrote a letter recommending him for promotion. This letter was endorsed by Adjutant General G. H. Thomas who said: "I regard Colonel Bussey as one of the very best Colonels I have seen in the service, and capable of making a first rate Brigadier General. I earnestly recommend his promotion."

In May, 1863, General Grant had concentrated his army near Vicksburg, Mississippi, and ordered General Prentiss to send forward from Helena all of the cavalry troops that he could spare. Colonel Bussey was comfortably situated at Helena, and his wife and daughter were visiting him. He invited General Prentiss and his staff to dine with him.

After dinner he called the General's attention to the pleasant surroundings and the pleasure of having his family with him. Then he said: "General, I want to surrender all this for more active service. Please send me to General Grant with my Regiment." General Prentiss consented and Colonel Bussey joined General Grant's army about the first of June.

Upon his arrival at headquarters he was ordered to report to Major General William T. Sherman by whom he was assigned to command the cavalry troops in General Grant's army. From the time Colonel Bussey arrived at Grant's headquarters, until the surrender of Vicksburg he was "in the saddle" with his troops "almost day and night". The task assigned to him was that of scouting along the Big Black River, south and east of Vicksburg, guarding bridges, fords, and ferries along the way.

During these eventful days Colonel Bussey kept in close touch with both Grant and Sherman. On July 3rd, Colonel Bussey was at Clark's, fifteen miles from Vicksburg. He had started to visit Sherman's headquarters, when he was met by an officer with the following message from General Sherman:

General Grant telegraphs me that commissioners have come to him from Pemberton to arrange terms of surrender. Glorious, but too good to be told, yet it is so. We must move East at once. Send a strong force of cavalry at once to the ford below Jones', and reconnoiter beyond. Examine the crossing as to its fitness for infantry, and artillery, and report at once. Get all the effective cavalry well in hand for a movement. With Vicksburg, and good success inland, the valley of the Mississippi, the great object of the War, is ours.

Yours,

W. T. Sherman

Major General Commanding.

This news was gladly received by Colonel Bussey, who

returned to camp and read the message to his troops, by whom it was received "with manifestations of great rejoicing". On the following day, July 4, 1863, General J. C. Pemberton surrendered Vicksburg. This, with the simultaneous defeat of General Robert E. Lee at Gettysburg, was the turning point of the war.

About the middle of July, Colonel Bussey advanced with his troops to the vicinity of Jackson, where he continued his service in scouting and guarding against the advance of Confederate troops. To prevent advances he not infrequently destroyed several miles of railroad. In this process the railroad ties were piled together, the rails placed on top, and the ties burned. The heat thus produced caused the rails to bend so that they could not be replaced.

On the 25th of July Colonel Bussey crossed the Big Black River at Messinger's Ferry and went into camp near General Sherman's headquarters. He had been in the saddle from sixteen to twenty hours nearly every day for two months, living much of the time on stale rations carried for days in his saddle bags. Much of the time, too, he had been deprived of water that was "fit to drink".

Almost exhausted from exposure and lack of food he asked for a leave of absence for a few days, that he might go home and recuperate. General Sherman returned the application, saying that he could not spare the Colonel at that time. Colonel Bussey then asked for permission to visit General Grant at Vicksburg. This was granted. The Colonel explained his condition to General Grant, who ordered him "to proceed to Keokuk, Iowa, and inspect the Hospitals at that place". The order also stated that "Colonel Bussey has permission to remain ten days in Iowa, after which he will return to his command". The result was that the Colonel was given not only a leave of absence but had his transportation paid. When he arrived at Keo-

kuk he found about eight hundred soldiers who had recovered sufficiently to be sent back to their regiments.

While Colonel Bussey was at home a campaign for the election of Governor and other State officers was occupying the attention of the people. William M. Stone was the Republican candidate for Governor. Although Colonel Bussey had always been a Democrat he now felt that to elect a Republican ticket in the North was as important as to win victories in the South. Accordingly he addressed a Republican rally, together with Samuel R. Curtis and James W. Grimes, and the Keokuk *Gate City*, reporting the event, said that "Colonel Bussey made the speech of the day".

When Colonel Bussey returned to Vicksburg, General Grant had received a telegram from the Secretary of War, requesting that Bussey be directed to return to Iowa to aid in the campaign. Senator Grimes, General Curtis, and Judge Samuel F. Miller had telegraphed to the Secretary of War requesting that this transfer be made.

Late in October, 1863, Colonel Bussey returned to Helena where he was assigned to the command of the First Division, Army of Arkansas. During the remainder of the year he was engaged in scouting and reconnoitering near Benton, Princeton, and Little Rock.

When President Lincoln issued the call for the reënlistment of regiments in the field, for a term of three years or until the end of the war, Colonel Bussey determined to be the first officer in his division of the army to respond. His men at that time were in a new camp and subjected to severe weather conditions. They were "standing in mud, snow and slush three inches deep" when the call was read to them. Colonel Bussey made a short speech commending the men for their bravery and loyalty and commanded that all who would reënlist then and there should advance three paces. At the command "forward march" more than half

of the regiment advanced and their reënlistment was taken care of on the spot. On January 1, 1864, this reënlistment was reported to General Steele, and Colonel Bussey and his troops were given veterans' furloughs.

A few days later Colonel Bussey left for home. While he was at Cairo, Illinois, he noted that the morning paper of January 11th carried a notice of his promotion from colonel to brigadier general, the promotion having been dated January 5th, 1864.¹⁴ He proceeded to St. Louis where he received his commission and was assigned to duty under General Steele at Little Rock.

About the middle of May he was placed in command of the First Division, 7th Army Corps, comprising troops from Iowa, Indiana, Illinois, Wisconsin, Arkansas, and Missouri. About this time the term of enlistment of some of the troops under General Bussey expired. In some instances the troops had been badly managed and there was much discouragement among them. General Bussey inspired confidence, however, and secured reënlistment for the period of the war.

After his promotion General Bussey served in the Department of Arkansas with headquarters at Little Rock until February, 1865. On the 5th of that month General Joseph J. Reynolds received orders to send "the most efficient" officer in his command to relieve General John M. Thayer at Fort Smith. When asked if he would like to go, General Bussey replied that "being a soldier" he would go wherever ordered. He remarked, however, that there were other men in the Department of higher rank and that since Fort Smith was a most important station the other officers might feel that they should be sent. General Reynolds replied that discipline had become bad at Fort Smith and that he

¹⁴ *Notebooks of Cyrus Bussey*, No. 9, pp. 10-29; *Heitman's Historical Register and Dictionary of the United States Army*, Vol. I, p. 268.

desired General Bussey to go in order to restore respect and order. Accordingly, General Bussey was sent to Fort Smith.

A week before General Bussey's arrival there a heinous crime had been committed by Union troops. The General's first task was to find the guilty parties and punish them severely. This he accomplished with such dispatch as to command the respect and admiration of all officers.¹⁵

When General Bussey assumed command at Fort Smith he found men in camp who had been dishonorably discharged. He at once issued an order that "all officers who have been dishonorably dismissed from the service of the United States, and are now within the limits of this command are hereby ordered to leave the Department of Arkansas within ten days."

The attitude of the General was approved by the people of Arkansas, and the Governor of the State said: "I have great confidence in General Bussey. His judgment, energy, and firmness, I feel confident, will be equal to the task imposed — though it be great."

The rigid rules which were enforced soon involved General Bussey in difficulties. Appeals were made to General Grant, but Grant having seen Bussey in action at Vicksburg sustained his orders. As a result of the more stringent rules rigidly enforced there was a rapid and marked improvement in the discipline and order of the troops.

March 4, 1865, was the date set for the inauguration of President Lincoln for a second term. The Union armies under Grant, Sherman, and Sheridan had recently won important victories, and it was thought appropriate to celebrate the events. At this celebration General Bussey was the principal speaker of the day. After he had commented upon the recent Union victories, referred to the increasing

¹⁵ *Notebooks of Cyrus Bussey*, No. 12, pp. 8-17; *Stuart's Iowa Colonels and Regiments*, p. 588.

prospects of peace, and pronounced an appropriate and eloquent eulogy on the President, he launched into a practical discourse upon matters of order and discipline. He denounced, in no uncertain terms, the crimes which had been committed, and pronounced a fixed determination to protect the loyal people in their lives and property, and to punish promptly all transgressors. His speech throughout, it was said, "was in perfect keeping with the new state of affairs" inaugurated upon his taking command at Fort Smith.

But there were other difficult problems confronting the Union officers at this time. The country around Fort Smith had been plundered by both the rebels and the Union men. This plundering had continued until destruction and starvation prevailed through this region. General Bussey in writing of conditions at that time said that in addition to the very large number of destitute people within his lines, "numbering fully 10,000 starving people", there were some 5000 or more loyal refugee Indians "absolutely on the verge of starvation". General Bussey made every effort to put an end to the plundering and encouraged the people who could, to go to work to repair their losses. In this manner he rendered not only a valuable military service, but greatly aided the civilian population as well.

On the 14th of April, while General Bussey was still in command at Fort Smith, President Lincoln was shot. At the memorial services held for the President at the fort, General Bussey was the principal speaker. He briefly reviewed the early life of Lincoln and presented him as a "model for coming generations to imitate". He also predicted that "Abraham Lincoln would, in future years, be accorded a place in the hearts of his countrymen and in the esteem of the world second to no man who has lived".

Robert E. Lee had already surrendered at Appomattox

and the war was virtually at an end, but the enmity which still existed seemed irresistible. General Bussey later said: "The war between the Union and Confederate forces had been so bitter that it was feared they could not live together in peace." He had heard threats made by Union soldiers of what they would do to Confederates when they returned home.

In order to promote peace and friendly relationships he decided to celebrate the Fourth of July, and to invite all of the Arkansas troops, both Union and Confederate, to be present at the celebration. On this occasion General Bussey addressed a large crowd of soldiers and citizens. He asked every man present to pledge that he would keep the peace and go to work in the spirit of harmony to build up that which would be for the best interest of the entire country.

General Bussey remained at Fort Smith until September 29, 1865, serving the government in the management of troops and in dealing with the Indians. He was then mustered out of service and returned to his home in Bloomfield.

After the close of the Civil War General Bussey¹⁶ located at St. Louis and engaged in the mercantile business. He soon removed to New Orleans, however, where his energy, sagacity, and popularity won for him a leading place among the business men of that city. For six years he was president of the New Orleans Chamber of Commerce and a leader in the commercial activities of that city. During this time he took an active part in securing appropriations for the erection of the jetties at the mouth of the Mississippi River.

¹⁶ Material on the life of Cyrus Bussey after the close of the Civil War is scarce. The facts given below were taken from *The Dictionary of American Biography*, Vol. III, pp. 354, 355; and *Annual Report of the Secretary of the Interior*, 1890-1891, Vol. III, pp. 3-94.

In 1881 he removed his business to New York City. Having become a staunch Republican in politics, he was elected as a delegate to the Republican National Convention in 1868 and again in 1884. In 1889 he was appointed to the office of Assistant Secretary of the Interior where he served for a period of four years. In this office he took a special interest in the adjustment of pension claims and did much to secure aid for needy veterans of the Civil War. As an evidence of his activities in this matter his reports show that in 1891, 179,927 more pension claims were passed upon and allowed than had been granted in any previous year.

General Bussey also worked to secure an amendment to the law regarding widows' disability pensions. The law of 1890 provided that if "an honorably discharged" veteran of the Civil War died leaving a widow, or children under the age of sixteen, such widow or children shall be entitled to a pension. General Bussey urged an amendment to this law to make it apply to the families of soldiers who died while on furlough as well as those who had been honorably discharged. He also suggested that the law be amended so as to apply to "permanently helpless children" of deceased veterans regardless of the age of such children.

In the administration of the pension law, it became apparent to General Bussey that pensions paid to inmates of the government hospital at Washington were frequently held by trustees or guardians, and upon the death of the inmates the funds accumulated were spent in a manner not contemplated in the pension law. He advocated an amendment to this law so as to conserve the funds thus paid to disabled veterans.

In like manner he advocated a change in the law relative to the purchase of Indian supplies in order to secure better materials for the money expended. In each of these instances General Bussey showed a spirit of liberality toward

the wards of the government, at the same time insisting upon business-like methods in the distribution of government funds.

After his retirement from office in the Department of Interior, General Bussey established a law office in Washington, D. C., where he spent the declining years of his life in the general practice of law. He died on March 2, 1915, and was buried in Arlington Cemetery.

JACOB A. SWISHER

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

SOME PUBLICATIONS

With Pen and Pencil on the Frontier in 1851. By Frank Blackwell Mayer. Saint Paul: The Minnesota Historical Society. 1932. Pp. 214. Plates. This volume is the first in a new series by the Minnesota Historical Society, *Narratives and Documents*, and is edited and annotated by Bertha L. Heilbron. The writer was a young American artist who came on a sketching expedition to Traverse des Sioux, where he saw the Indians gathered for the making of a treaty by which the Sioux gave up their claims to land in Iowa and in some parts of Minnesota. On the journey Mayer kept a diary and it is this diary and selections from his sketches which make up this attractive volume. A very interesting introduction by Miss Heilbron gives the background of the events and presents a good biographical sketch of Mayer. The sixth chapter, "Up the Mississippi to St. Paul", contains occasional comments relating to Iowa. Other chapter headings are: "Indian Life at Kaposia", "Social Life at Old Fort Snelling", "Camping at Traverse des Sioux", "Half-Breeds and Indians", and "Sioux Gods and Men". The sketches add to the interest of the book.

The Fighting Norths and Pawnee Scouts. By Robert Bruce. New York City: Published by the author. 1932. Pp. 72. Plates, maps. This is a narrative of military service on the frontier, including the stories of the two brothers, Frank and Luther H. North. The volume, although paper bound, is well printed on good paper and is profusely illustrated. Much of the material, according to the author, was derived from correspondence with Luther H. North, the younger of the brothers, who is still alive. Frank North was the organizer and commander of the Pawnee Scouts, a detachment of friendly Indians which was first organized in 1864 by Major General Samuel R. Curtis of Iowa.

Agriculture of the American Indians A Classified List of Annotated Historical References, compiled by Everett E. Edwards, has

been published by the United States Department of Agriculture as No. 23 of *Bibliographical Contributions*.

The July number of *Agricultural History* contains the following articles: *The Background of the First Bills to Establish a Bureau of Markets*, by James C. Malin; and part two of *Agricultural Adaptation in England, 1875-1900*, by Raymond Phineas Stearns.

The Canadian Historical Review for September contains a symposium on local historical societies, in which *Local Historical Societies in the United States* was contributed by Dixon Ryan Fox, and *The Importance of Local History in the Writing of General History*, by D. C. Harvey.

The Columbia University Press has made plans for a series of volumes on agriculture to be known as the "Columbia University Studies in the History of Agriculture", edited by Harry J. Carman and Rexford G. Tugwell. This series, it is planned, will include three types of material: reprints of old works, such as Jared Eliot's *Essays on Field-Husbandry in New England*; materials gathered from accounts of foreign visitors, farm papers, transactions of societies, old pamphlets, and various other miscellaneous sources; and biographical sketches of agrarian leaders. The series will be climaxed with a history of American agriculture.

The American Historical Review for July contains the following papers and articles: *British Party Politics and the Oregon Treaty*, by Frederick Merk; *Reform Periodicals and Female Reformers, 1830-1860*, by Bertha-Monica Stearns; and *Lincoln's Election an Immediate Menace to Slavery in the States?*, by J. G. de Roulhac Hamilton. Under *Notes and Suggestions* Cyrus H. Karraker contributes *Deodands in Colonial Virginia and Maryland* and Robert G. Albion *The "Communication Revolution"*. Documents includes *The Convention Troops and the Perfidy of Sir William Howe*, contributed by Jane Clark, and *John Howard Payne and the Cherokee Indians*, contributed by Grant Foreman.

WESTERN AMERICANA

Financial History of the Public Lands in Texas, by Aldon

Socrates Lang, has been published in *The Baylor Bulletin* for July, 1932.

The July number of the *Ohio Archaeological and Historical Quarterly* contains the report on the *Excavation of the Coon Mound and Analysis of the Adena Culture*, by E. F. Greenman.

Neglected Aspects of the De Soto Expedition, by Francis Borgia Steck; *The Columbus Problem*, by Bernard Duhr; and *Varia The Founding of Ste. Genevieve, Missouri*, by Ida M. Schaaf, are the three articles in *Mid-America* for July.

A Doctor of the 1870's and 80's, by William Allen Pusey, presents an unusually graphic account of the life of a family physician in one of the small towns of Kentucky. It is the story of the life and daily routine of Dr. R. B. Pusey, the father of the author.

Christopher Gist and His Sons, by Lawrence A. Orrill; and a third installment of *The Marquis Duquesne, Sieur de Menneville, Founder of the City of Pittsburgh*, by Charles W. Dahlinger, are the two articles in the August issue of the *Western Pennsylvania Historical Magazine*.

Buffalo in the Pacific Northwest, by C. S. Kingston; *David Thompson's Journeys in the Pend Oreille Country*, by T. C. Elliott; and *The Northern Overland Route to Montana*, by W. M. Underhill, are three of the articles which appear in *The Washington Historical Quarterly* for July.

Dreamer's Vision — Frances Wright At Nashoba (1825-'30), by Edd Winfield Parks; *Democracy's Two-Thirds Rule Rounds Out a Century*, by Wm. E. Beard; and *Colonel Richard Sparks — The White Indian*, by Leota S. Driver, are three of the articles in the *Tennessee Historical Magazine* for January.

The Ethnobotanical Laboratory at the University of Michigan, by Melvin R. Gilmore, and *Distribution of the Aboriginal Population of Michigan*, by W. B. Hinsdale, are the first two numbers in a new series designated as *Occasional Contributions from the Museum of Anthropology of the University of Michigan*.

Lee, Waller and McLoughlin, by Charles H. Carey; *McLoughlin's Answer to Warre Report*, by Herman A. Leader; *Early Colleges in Oregon*, by H. Ead Pemberton; *John Mix Stanley, Indian Painter*, by Nellie B. Pipes; and *Oregon Boundaries*, by J. Neilson Barry, are articles and papers in the September issue of *The Oregon Historical Quarterly*.

Editor John B. Stoll, by H. S. K. Bartholomew; *The Story of the "Spring Mill" Water Wheel*, by Denzil Doggett; *A Quaint, Little, Old Indiana City*, by Julia LeClere Knox; and *A Hoosier Arcadia*, by George S. Cottman, are the four articles in the June number of the *Indiana Magazine of History*. Under *Documents* there appears the *Journal of Melville Cox Robertson*.

Early Kansas Impeachments, by Cortez A. M. Ewing; *Defense of the Kansas Frontier, 1866-1867*, by Marvin H. Garfield; *Some Famous Kansas Frontier Scouts*, by Paul I. Wellman; *The Leavenworth Board of Trade, 1882-1892*, by Lela Barnes; and *A History of Kansas Child Labor Legislation*, by Domenico Gagliardo, are the five articles in the August number of *The Kansas Historical Quarterly*.

In the June issue of *Minnesota History*, Dudley S. Brainard writes of *Nininger, A Boom Town of the Fifties*; Gladys H. Du Priest tells of *The Waseca County Horse Thief Detectives*; and Grace Lee Nute pays tribute to Frederick Jackson Turner. Under *Notes and Documents* Theodore C. Blegen presents *That Name "Itasca"* and there is a letter from John N. Treadwell to J. Clark Bush.

A Bibliography on Indiana Archaeology, compiled by Eli Lilly, makes up the May number of the *Indiana History Bulletin*. The number for July includes a short discussion on *History and Historical Societies*, by Christopher B. Coleman; and an account of *Covered Timber Bridges*, by the Indiana Historical Committee. *Names of Indiana Streams and Old Mills* appear in the August number.

Volume XVI, Part 1, of the *South Dakota Historical Collections* is entirely made up of *A History of the Department of South*

Dakota Grand Army of the Republic, prepared by Mrs. Alice B. Muller and H. P. Carson. It includes a list of the posts in South Dakota and the names of veterans who have at any time resided in the State and pictures of some Department Commanders.

The July number of the *North Dakota Historical Quarterly* contains the following articles and papers: *Frederick Jackson Turner*, by Edgar E. Robinson; *The Ponca Removal*, by Earl W. Hayter; *Population Changes in the West North Central States, 1900-1930*, by Wilson Cape; and *Custer's Expedition to the Black Hills in 1874*, by W. M. Wemett. There are also some letters relating to the Black Hills gold rush, edited by Arthur J. Larson.

The Missouri Historical Review for July contains the following articles and papers: *The Butterfield Overland Mail in Missouri*, by Monas N. Squires; *The Early Career of Joseph Charless, the First Printer in Missouri*, by Douglas C. McMurtrie; *The Military Operations in Missouri in the Summer and Autumn of 1861*, by Franz Sigel; *Proposed Railroads in Northeast Missouri*, by North Todd Gentry; and a continuation of *Joseph B. McCullagh*, by Walter B. Stevens.

Explorations in Western Green Lake County, by Geo. L. Pasco; *A Copper Bird Effigy Ornament*, by Charles E. Brown; *Present Condition of Aztalan*, by Robert P. Ferry; *The Hidden Story of the Grand Butte Des Morts*, by Geo. Overton; and *Record Suggestions for the Archaeologist*, by Wilton E. Erdman, are articles and papers of interest to middlewestern students of archaeology in *The Wisconsin Archeologist* for April.

The summer number of the *Michigan History Magazine* contains, in addition to an address by Governor Wilber M. Brucker, the following articles and papers: *Sugar Production in Michigan*, by Frank S. Kedzie; *Notes on Portraits of George Washington Owned in Michigan*, by Randolph G. Adams; *James Fenimore Cooper and Oak Openings*, by Kate Russell Oakley; *The Indians of Barry County and the Work of Leonard Slater, the Missionary*, by Charles A. Weissert; *Baw Beese Lake*, by Vivian Lyon Moore; and *A Pioneer Wedding*, by Josephine Tromblé Greening.

Abraham Lincoln — The Story of a New Portrait, by Willard Rouse Jillson; and *The Early Portraits of Lincoln*, by Louis A. Warren, are two articles in *The Register of the Kentucky State Historical Society* for July. In addition there are continuations of *State Archives — General Expenditures, 1792-1798* and *History in Circuit Court Records, Fayette County*, abstracted by Charles R. Staples; Douglas C. McMurtrie contributes *A Check-List of Kentucky Almanacs, 1789-1830*; and there are *Kentucky Marriage Records — Muhlenberg County, 1799-1836*.

Forest Land Use in Wisconsin, a report prepared by the Committee on Land Use and Forestry, has been issued in pamphlet form from the Executive Office, Madison, Wisconsin. The report includes the following chapter headings: Land Resources in Wisconsin, Use of Land for Agriculture, Forest Industries, Use of Land for Forests, Other Forest Land Uses, Forest Management, Land Use and Public Finance, Public Administration of Land Use, and Essentials of a Land Use Program. There is an especially valuable bibliography.

Judge Thos. H. Doyle is the author of the *History of the Oklahoma Historical Society*, published in the June number of the *Chronicles of Oklahoma*. Other articles in this issue are: *The Green Corn Dance*, from a letter by John Howard Payne, edited by John R. Swanton; *Beginning of the Geological Work in Oklahoma*, by Charles N. Gould; *The Quaker Indian Agents of the Kiowa, Camanche, and Wichita Indian Reservation*, by Martha Buntin; *Journal of a Tour in the Indian Territory*, by N. Sayre Harris, edited by Carolyn Thomas Foreman; and *The Mississippi Choctaws*, by Edward Davis.

The *Journal of The Illinois State Historical Society* for April-July, 1932, appears in a smaller size and in a new cover. It includes the following articles and papers: *The Buchanan-Douglas Feud*, by Philip G. Auchampaugh; *Early Trails of Eastern Illinois*, by Adin Baber; *Lincoln and Macon County, Illinois, 1830-1831*, by Edwin Davis; and *Galena, Looking Back*, by Alice L. Snyder. Under *Historical Notes*, William R. Sandham contributes

The Naming of a Group of Eight Illinois Counties Created at the Same Time; and William Renwick Riddell discusses briefly *An International Complication Between Illinois and Canada Arising Out of Slavery*.

The Mississippi Valley Historical Review for September contains the following papers and articles: *The Spanish Expedition Against Fort St. Joseph in 1781, A New Interpretation*, by Lawrence Kinnaird; *The Influence of the Foreign-Born of the Northwest in the Election of 1860*, by Donnal V. Smith; *Jeremiah Black and Andrew Johnson*, by William Norwood Brigance; *The "Large Policy" of 1898*, by Julius W. Pratt; *The Twenty-fifth Annual Meeting of the Mississippi Valley Historical Association*, by Theodore C. Blegen; *Harriet Beecher Stowe's Reply*, edited by Charles H. Rammelkamp; and *The Siege of Fort Meigs*, edited by P. L. Rainwater.

Disintegrating Forces in Wisconsin Politics of the Early Seventies, by Herman J. Deutsch; *A Distinguished Son of Wisconsin: Thomas C. Chamberlin*, by George L. Collie; a continuation of the *Memoirs of Mary D. Bradford*; and an appreciation of the life and work of Professor Frederick Jackson Turner make up *The Wisconsin Magazine of History* for June. *The Influence of Wisconsin on Federal Politics 1880-1907*, by Dorothy Ganfield; *Carpenter and the Senatorial Election of 1875 in Wisconsin*, by Herman J. Deutsch; and another installment of the *Memoirs of Mary D. Bradford* are the articles and papers in the issue for September. *La Pointe Letters* appear under *Documents* and there are editorial comments on Carl Russell Fish and "first" things in Wisconsin.

The Last Days of Charles Gayarre, by John Smith Kendall; *A Famous Event in the French Colonial History of Louisiana*, translated by Edith Dart Price; *West Florida and the Louisiana Purchase*, by Francis P. Burns; *French Incertitude in 1718 as to a Site for New Orleans*, translated by Sally Dart; a third installment of *Ship Lists of Passengers Leaving France for Louisiana, 1718-1724*, translated by Albert Laplace Dart; *Official Expression of Manifest Destiny Sentiment Concerning Hispanic America, 1848-*

1871, by A. Curtis Wilgus; and continuations of the *Records of the Superior Council of Louisiana*, translated by Heloise H. Cruzat, and the *Index to Spanish Judicial Records of Louisiana*, translated by Laura L. Porteous, are contributions to the July number of *The Louisiana Historical Quarterly*.

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Memories of Early Life in Lucas County, by Tom Morford Throckmorton, appears in *The Journal of the Iowa State Medical Society* for August.

My Progress Book in Iowa History, a work book by Myrtle A. Nicklin of the Hubbell School, Des Moines, has been recently published by the American Education Press, Inc.

The Origins of the Indian Massacre Between the Okobojis, by F. I. Herriott; and *The First Gazetteer on Iowa*, by M. M. Hoffmann, are the two articles in the *Annals of Iowa* for July.

Iowa History as Told in Biography, by Jacob A. Swisher and Carl H. Erbe, has been published in pamphlet form by the Holst Printing Company. It includes biographical sketches of the following men and women who have been connected with the history of Iowa: Black Hawk, Keokuk, Mahaska, William Clark, Meriwether Lewis, Zebulon M. Pike, Albert M. Lea, Julien Dubuque, Basil Giard, Louis Honore Tesson, Manuel Lisa, Antoine Le Claire, George Davenport, Robert Lucas, A. C. Dodge, James W. Grimes, Samuel J. Kirkwood, Annie Wittenmyer, William B. Allison, Herbert Hoover, Samuel Clemens, Antonin Dvorak, Hamlin Garland, Alice French, Henry Sabin, and Homer H. Seerley.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aurner, Clarence R.,

Chance (The Palimpsest, August, 1932).

Beer, Thomas,

Looking at Things (The Saturday Evening Post, July 23, 1932).

Bess, Demaree,
China's New Weapon Against Japan (Current History, July, 1932).

Betts, George Herbert, (Joint author)
Current Practice in Character Education in the Public School
(School and Society, July 30, 1932).

Bliven, Bruce,
Home Thoughts from Afar (The New Republic, August 31, 1932).

Brisco, Norris A., (Joint author)
Store Salesmanship. New York: Prentice-Hall. 1932.

Brookhart, Smith Wildman,
Let's Abandon the Gold Standard (The Forum, July, 1932).

Butler, Ellis Parker,
Civilization Smashes Up (Saturday Review of Literature, June 11, 1932).

Butterworth, Julian Edward,
County Superintendent in the United States (Bulletin of the U. S. Office of Education, 1932, Vol. VI).

Colegrove, Kenneth,
The Japanese Emperor (The American Political Science Review, August, 1932).

Cook, Louis H.,
The Man Who Beat Brookhart (The Saturday Evening Post, July 23, 1932).

Time to Clean House (The Saturday Evening Post, September 3, 1932).

Crowell, Grace Noll,
Rainy Day (poem) (Good Housekeeping, August, 1932).
There Are Homes (poem) (Parents' Magazine, August, 1932).

Dawson, Grace Strickler,
Sundown (poem) (Collier's, July 16, 1932).

Devitt, Tiah,

Dangerous Woman (Collier's Weekly, June 18, 1932).

Earhart, Amelia, (Mrs. George Palmer Putnam)

Fun of It; Random Records of My Own Flying and of Women in Aviation. New York: Brewer, Warren & Putnam. 1932.

Ferber, Edna,

They Brought Their Women (Hearst's International combined with Cosmopolitan, July, 1932).

Garretson, O. A.,

Iowa and the Spanish Pioneers (The Iowa Journal of History and Politics, July, 1932).

Gould, Bruce,

Four Hearts (The Saturday Evening Post, July 9, 1932).

What Fun Love Is (The Saturday Evening Post, July 23, 1932).

Healy, Elizabeth,

It's News (The Survey, June 15, 1932).

Herriott, F. I.,

The Origins of Indian Massacre Between the Okobojis (Annals of Iowa, July, 1932).

Hoffmann, M. M.,

The First Gazetteer on Iowa (Annals of Iowa, July, 1932).

Jeep, H. A., (Joint author)

Teacher Supply and Demand in Iowa (University of Iowa Studies in Education, Vol. VII, No. 2). Iowa City: State University of Iowa. 1932.

Jorgenson, Chester Eugene,

Emerson's Paradise Under the Shadow of Swords (Philological Quarterly, July, 1932).

Kirkpatrick, E. L., (Joint author)

Prohibition and Agriculture (The Annals of The American Academy of Political and Social Science, September, 1932, Vol. 163).

- Knipe, Alden Arthur,
Cowboy and the Duchess. New York: Dodd, Mead & Co.
1932.
- Kopp, Clara,
Salona, Historic Refuge (National Republic, June, 1932).
- Laidler, Harry Wellington,
Socialists Meet (The New Republic, June 8, 1932).
- Lindquist, E. F., (Joint author)
Teacher Supply and Demand in Iowa (University of Iowa
Studies in Education, Vol. VII, No. 2). Iowa City: State
University of Iowa. 1932.
- Lorch, Fred W.,
Iowa and the California Gold Rush of 1849 (The Iowa Journal
of History and Politics, July, 1932).
- McElroy, Margaret,
House and Garden's News-Reel of Country Lamps (House and
Garden, July, 1932).
- Mackintosh, Helen K.,
A Critical Study of Children's Choices in Poetry (University
of Iowa Studies in Education, Vol. VII, No. 4). Iowa City:
State University of Iowa. 1932.
- Manning, John W.,
The Progress of County Consolidation (National Municipal
Review, August, 1932).
- Maxwell, Bertram W.,
Civil Service in Soviet Russia (The American Political Science
Review, April, 1932).
- Mullin, Francis Anthony,
A History of the Work of the Cistercians in Yorkshire. Wash-
ington, D. C.: The Catholic University of America. 1932.
- Murphy, Donald R.,
The Farmers Go on Strike (The New Republic, August 31,
1932).

Nelson, Hilmer C.,

Development of the Foliaceous Cotyledons of Cucurbita Maxima (University of Iowa Studies in Natural History, Vol. XIV, No. 6). Iowa City: State University of Iowa. 1932.

Parker, Maude,

Silver Platters (The Saturday Evening Post, July 30, August 6, 13, 20, 27, 1932).

Patrick, George T. W.,

Founding the Psychological Laboratory at the State University (The Iowa Journal of History and Politics, July, 1932).

Petersen, William J.,

The Voyage of the Virginia (The Palimpsest, August, 1932).

Peterson, E. T., (Joint author)

Teacher Supply and Demand in Iowa (University of Iowa Studies in Education, Vol. VII, No. 2). Iowa City: State University of Iowa. 1932.

Pfiffner, John M.,

Trends in Public Personnel Organization (The American Political Science Review, April, 1932).

Piper, Janet, (Mrs. Edwin Ford Piper)

To My Son on His Third Birthday (poem) (The Saturday Review of Literature, July 16, 1932).

Porter, Kirk H.,

County Government and State Centralization (National Municipal Review, August, 1932).

Price, M. P., (Joint author)

Teacher Supply and Demand in Iowa (University of Iowa Studies in Education, Vol. VII, No. 2). Iowa City: State University of Iowa. 1932.

Schaffter, Dorothy,

Municipal Legalizing Acts in Iowa (The American Political Science Review, August, 1932).

Shaw, Albert,

Mr. Hoover as President (The Review of Reviews, July, 1932).

Sherman, Roy V.,

Forms of Municipal Government in Ohio (The American Political Science Review, August, 1932).

Shultz, Mrs. Gladys Denny,

Dancing Lessons? Yes; Drawing Lessons? No (Better Homes and Gardens, July, 1932).

More About Peter (Better Homes and Gardens, August, 1932).

Thane, Elswyth, (Mrs. William Beebe)

The Tudor Wench. New York: Brewer, Warren & Putnam. 1932.

Thornton, Harrison John,

Oats in History (The Iowa Journal of History and Politics, July, 1932).

Tompkins, Raymond S.,

Confederate Daughters Stand Guard (Scribner's Magazine, July, 1932).

Taxi Runs Amuck (The American Mercury, August, 1932).

Updegraff, Clarence M.,

Regulation of Public Utilities in Iowa. Chicago: Commerce Clearing House. 1932.

Webb, Eliza Anne Kidwell,

Prohibition and Man. Bonaparte, Iowa: Published by the author. 1932.

Williamson, Thames Ross, (Joint author)

Principles of Social Science. Boston: D. C. Heath & Company. 1932.

Sad Indian. New York: Harcourt, Brace & Co. 1932.

Wright, Luella M.,

The Literary Life of the Early Friends, 1650-1725. New York: Columbia University Press. 1932.

Wylie, Josephine,
Frozen-Dishes Contest (Better Homes and Gardens, August, 1932).

SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

New facts about the early settlements at the Okoboji lakes, by Hattie P. Elston, in the *Spirit Lake Beacon*, May 12, 1932.

Records of early pioneers of Slaughter or Washington County, by Mrs. C. A. Speer, in the *Washington Democrat-Independent*, May 26, June 9, July 7, 14, 21, 28, August 4, 11, 18, 25, September 1, 8, 1932.

The 4-H Club of Washington County, by Ruth Foster, in the *Washington Evening Journal*, June 18, 1932.

Sketch of the life of Darwin Merritt, victim of the sinking of the *Maine*, by J. C. Van Clive, in the *Red Oak Express*, June 23, 1932.

Banks in Washington before 1910, by Sherman Watson, in the *Washington Democrat-Independent*, June 23, 1932.

State's money once guarded in Bloomfield bank, in the *Bloomfield Democrat*, June 23, 1932.

State tablet with Indian hieroglyphics found on South Coon River, in the *Dexter Sentinel*, June 23, 1932.

History of townships in Mahaska County, by Manoah Hedge, in the *Fremont Gazette*, June 23, 1932.

History of Tama County, by Lola Williams, in the *Tama News*, June 23, 1932.

Wyoming Presbyterian Church celebrates seventy-fifth anniversary, in the *Wyoming Journal*, June 23, 1932.

Changes in Iowa lake levels, by Hattie P. Elston, in the *Spencer News*, June 24, 1932.

Giles C. Moorehead was first white child born in Ida County, in the *Sioux City Tribune*, June 25, 1932.

The banks in Washington before 1910, by Sherman Watson, in the *Washington Evening Journal*, June 25, 1932.

Vinton Presbyterian Church observes eightieth anniversary, in the *Cedar Rapids Gazette*, June 26, 1932.

Badge of first police chief of Keokuk given to Ed. T. Cahill by Mayor Walker, in the *Burlington Hawkeye*, June 26, 1932.

Ingwersen family has lived in Clinton County eighty years, in the *Clinton Herald*, June 27, 1932.

Sketch of the life of Henry W. Grout, in the *Waterloo Courier*, June 28, 1932.

Sketch of the life of W. E. Albert, Sr., State Game Warden, in the *Lansing Journal*, June 29, 1932.

Story of the Washington County Fair, by Verna Palmer, in the *Washington Democrat*, June 30, 1932.

Early events of Leland and Benson Grove, in the *Forest City Republican*, June 30, 1932.

Washington's name has been given to many political sub-divisions, by Arthur Goshorn, in the *Winterset Madisonian*, June 30, 1932.

Reminiscences by Jake Bittner, in the *Corning Free Press*, June 30, 1932.

Notice of death of Henry W. Grout, in the *Waterloo Courier*, June 30, 1932.

Jesse and Frank James visited an uncle at Chariton, in the *Chariton Herald-Patriot*, June 30, 1932.

Onawa was founded in 1857, in the *Onawa Democrat*, June 30, 1932.

History of the Washington County fair, by Verna Palmer, in the *Washington Evening Journal*, July 2, 1932.

Cornerstone of Iowa's Territorial capitol was laid on July 4, 1840,

in the *Marshalltown Times-Republican*, July 2, and the *Waterloo Courier*, July 4, 1932.

Horace Boies was a candidate for nomination as President in 1892, in the *Waterloo Courier*, July 3, 1932.

A history of Sigourney's stores, in the *Sigourney Review*, July 6, 1932.

Pomeroy tornado occurred on July 6, 1893, in the *Storm Lake Pilot-Tribune*, July 7, 1932.

Baptist Church at Sigourney is seventy-five years old, in the *Keokuk County (Sigourney) News*, July 7, 1932.

History of the Presbyterian Church at Washington, by Harvey Coulter, in the *Washington Democrat-Independent*, July 7, 1932.

History of Poweshiek County, by Oakley Van Zee, in the *Brooklyn Chronicle*, July 7, 1932.

Money problems in early Mahaska County, in the *Fremont Gazette*, July 7, 1932.

Ed. C. Volkert recalls wild pigeons in Iowa, in the *Kanawha Reporter*, July 7, 1932.

Reminiscences of Des Moines in the 60's, by Pleasant J. Mills, in the *Des Moines Register*, July 8, 1932.

Some Iowa authors, in the *Mason City Globe-Gazette*, July 9, 1932.

Building the first bridge between East and West Okoboji, by Hattie P. Elston, in the *Spirit Lake Beacon*, July 9, 1932.

Sketch of the life of Charles Eckles, in the *Marshalltown Times-Republican*, July 9, 1932.

A snowstorm on the prairie in 1863, by Ellis E. Wilson, in the *Waterloo Courier*, July 10, 1932.

The old forts of Iowa, by Harvey Ingham, in the *Des Moines Register*, July 11, 13, 14, 15, 1932.

The story of the train wreck at Logan in 1896, in the *Missouri Valley Times*, July 11, 1932.

Sketch of the life of Charles Noble Gregory, in the *Iowa City Daily Iowan*, July 12, 1932.

Early Pottawattamie County, by Frank Weeks, in the *Lewis Standard*, July 13, 1932.

Land grants found at Osceola, in the *Osceola Sentinel*, July 14, 1932.

Pioneer printing press used for *Iowa Star*, by C. L. Lucas, in the *Madrid Register-News*, July 14, 1932.

When Lancaster was a contestant for county seat, in the *Keokuk County (Sigourney) News*, July 14, 1932.

How the Delicious apple came to be, in the *Winterset Madisonian*, July 14, and the *Madrid Register-News*, July 21, 1932.

Stories of early life in Iowa, in the *Strawberry Point Press*, July 14, 21, 1932.

Dr. Charles R. Keyes investigates relics in northwest Iowa, in the *Cedar Rapids Gazette*, July 17, 1932.

Art colony located at old Stone City, in the *Mason City Globe-Gazette*, July 18, 1932.

Sketch of the life of J. H. Hoover, uncle of President Hoover, in the *Waterloo Courier*, July 19, 1932.

Seven hundred and fifty steamboats have plied Upper Mississippi River, in the *Dubuque Tribune*, July 19, 1932.

How Adel was named, by Mrs. Margaret Greeley, in the *Adel News*, July 20, 1932.

How pioneers plowed with oxen, by C. L. Lucas, in the *Madrid Register-News*, July 21, 1932.

Sketch of the life of Keokuk, by Editha L. Watson, in the *Sioux Rapids Press*, July 21, 1932.

Legends of Iowa's great lakes region, by Hattie P. Elston, in the *Spirit Lake Beacon*, July 21, 1932.

Old bills found in Kossuth County State Bank, in the *Kossuth County (Algona) Advance*, July 21, 1932.

Happenings in Lucas County, by Dr. Tom Morford Throckmorton, in the *Chariton Herald-Patriot*, July 21, 1932.

When Iowans drove hogs to market, in the *Winterset Madisonian*, July 21, and the *Seymour Herald*, July 28, 1932.

Difficulties of pioneer school teachers, by J. N. Elliott, in the *Chariton Herald-Patriot*, July 21, 1932.

Historical sites in Iowa, in the *Ottumwa Courier*, July 22, 1932.

How the Okoboji lakes were named, by Hattie P. Elston, in the *Spencer News*, July 22, 1932.

Mrs. Ida M. Cutler, formerly of Dubuque, originated a touch system in typewriting, in the *Dubuque Tribune*, July 23, 1932.

Sketch of the life of S. H. M. Byers, in the *Oskaloosa Herald*, July 23, 1932.

Mormon Battalion was recruited at Council Bluffs, by J. R. Perkins, in the *Council Bluffs Nonpareil*, July 24, 1932.

Professor Floyd A. Nagler has collection of old water wheels, in the *Cedar Rapids Gazette*, July 24, 1932.

When Clinton was only a cornfield, in the *Clinton Herald*, July 25, 1932.

Early history of Delaware County, in the *Manchester Democrat-Radio*, July 26, August 9, 1932.

Story of wild geese in Iowa, by Ellis E. Wilson, in the *Waterloo Courier*, July 27, 1932.

Sketch of the life of Andrew C. Ripley, in the *Garner Leader*, July 27, and the *Britt Tribune*, July 28, 1932.

George Simons painted series of pictures of the trail to Denver, in

the *Council Bluffs Nonpareil*, July 27, and the *Atlantic News-Telegraph*, July 30, 1932.

First settlers of Linn County, by Mary W. Durham, in the *Marion Sentinel*, July 28, 1932.

Early Marshall County history, in the *Marshalltown Marshalltownian*, July 28, 1932.

Hampton Congregational Church is seventy-five years old, in the *Hampton Chronicle*, July 28, 1932.

White Cloud is chief of Iowa Indians in Nebraska, in the *Sidney Argus*, July 28, 1932.

When Black Hawk was a famous chief, by C. L. Lucas, in the *Madrid Register-News*, July 28, 1932.

Sketch of the life of John Mitchell, pioneer of Bloomfield, in the *Bloomfield Democrat*, July 28, 1932.

Storm Lake's "Main Street" from 1882 to 1932, by Charles F. Aikin, in the *Storm Lake Pilot-Tribune*, July 28, 1932.

Was Mrs. Sarah A. Comstock the first white child born in Iowa?, in the *Williamsburg Journal*, July 28, 1932.

Clear Lake had historic water wheel, in the *Mason City Globe-Gazette*, July 29, 1932.

Indian scare used to boost freight rates at old Council Bluffs, in the *Council Bluffs Nonpareil*, July 30, 1932.

William Lucke broke prairie land at Belle Plaine in 1862, in the *Cedar Rapids Gazette*, July 31, 1932.

Milford Johnson raises oats on part of Bad Axe battlefield, in the *Cedar Rapids Gazette*, July 31, and the *Oelwein Register* and the *Perry Chief*, August 2, 1932.

Sketch of the life of B. F. Mentzer, by Grace C. Koppenhaver, in the *Cedar Rapids Gazette*, July 31, 1932.

Sketch of the life of Dallas D. Rorick, in the *Davenport Times*, August 1, 1932.

Sketch of the life of Herman Knapp, in the *Ames Tribune*, August 2, 1932.

Ed. Haskins tells of early grist mills, in the *Garner Leader*, August 3, 1932.

Old times in Adel, by Frank L. Sweeley, in the *Dallas County (Adel) News*, August 3, 10, 1932.

Sketch of the life of Judge J. P. Laffey, in the *Sheldon Mail*, August 3, 1932.

Sketch of the life of Leonard Stanley, in the *Corning Free Press*, August 4, 1932.

Mastodon tusk found at Rock Rapids, in the *Rock Rapids Reporter*, August 4, 1932.

Paul Shoup was former Knoxville, Iowa, boy, in the *Knoxville Express*, August 4, 1932.

William Abbe was first Linn County settler, says B. L. Wick, in the *Marion Sentinel*, August 4, 1932.

Memorial to victims of Spirit Lake Massacre was dedicated on July 25, 1895, in the *Spirit Lake Beacon*, August 4, 1932.

Old directory lists two proposed railroads for Iowa City, in the *Iowa City Press-Citizen*, August 5, 1932.

High school buildings at Washington, by William Masson, in the *Washington Evening Journal*, August 6, 1932.

Some early professors of the University, in the *Iowa City Press-Citizen*, August 6, 1932.

Penn College restores its museum, in the *Oskaloosa Herald*, August 8, 1932.

Sketch of the life of Mrs. R. H. Volland, in the *Des Moines Register*, August 9, 1932.

Reunion of Hoppers family held at Sheldon, in the *Sheldon Sun*, August 10, 1932.

United Brethren Church at Cottonwood celebrates ninetieth anniversary, in the *Wayland News*, August 11, 1932.

Indian lore at Bellevue, in the *Bellevue Leader*, August 11, 1932.

Buffalo skull found by Emmett Polderboer near Parkersburg, in the *Parkersburg Eclipse*, August 11, 1932.

E. M. Thompson of Independence recalls panic prices of the early nineties, in the *Winterset Madisonian*, August 11, 1932.

Early physicians of Washington, by William Sartor, in the *Washington Democrat*, August 11, 1932.

War experiences of Captain John J. Kellogg, in the *Washington Democrat*, August 11, 1932.

Railroad men in early days in Union County, by Richard Scullen, in the *Afton Star Enterprise*, August 11, 1932.

Indians had reasons for Spirit Lake Massacre, by Hattie P. Elston, in the *Spencer News-Herald*, August 12, 1932.

Salem Church is seventy-five years old, in the *Monroe County (Albia) News*, August 15, 1932.

Sketch of the life of John T. Lucas, in *Marshalltown Times-Republican*, August 16, 1932.

Joseph Gilbreath supervised laying of ties on railroad to Atlantic laid in 1869, in the *Atlantic News-Telegraph*, August 16, 1932.

Politics in Clinton County eighty years ago, in the *Clinton Herald*, August 16, 1932.

First Davis County fair was in 1858, by Victor E. Swartzendraver, in the *Davis County (Bloomfield) Republican*, August 16, 1932.

Dr. Knut Gjerset has large collection of guns at Decorah, in the *Decorah Public Opinion*, August 18, 1932.

Memoirs of Quaker Divide, by Darius B. Cook, in the *Dexter Sentinel*, August 18, 1932.

- Henry Neidig tells of Abbe farm in Linn County, in the *Marion Sentinel*, August 18, 1932.
- Earlham was originally named Quaker City, in the *Earlham Echo*, August 18, 1932.
- Early days in Mahaska County, in the *Fremont Gazette*, August 18, 1932.
- S. B. McCall made long ride to secure commissioner to locate county seat of Boone County, by C. L. Lucas, in the *Madrid Register-News*, August 18, 1932.
- Dubuque and the driftless area, by Harvey Ingham, in the *Des Moines Register*, August 18, 1932.
- G. E. Bentley of Boone has collection of firearms, in the *Carroll Herald*, August 19, 1932.
- Baptist Church of Cresco celebrates its seventy-fifth anniversary, in the *Cresco Plain Dealer*, August 19, 1932.
- The grave of Julien Dubuque, by Harvey Ingham, in the *Des Moines Register*, August 19, 1932.
- Finding of skull of elk in Liscomb Township, Marshall County, recalls stories of early settlers, in the *Marshalltown Times-Republican*, August 20, 1932.
- Paradise Valley was named by E. G. Potter, in the *Des Moines Register*, August 21, 1932.
- Indians of Delaware County, in the *Manchester Democrat-Radio*, August 23, 1932.
- Christian Reformed Church of Bode is sixty-five years old, in the *Wellsburg Herald*, August 24, 1932.
- Waukon's first railroad train, in the *Waukon Democrat*, August 24, 1932.
- J. H. H. Van Spankeren has relics of Pella, in the *Pella Chronicle*, August 25, 1932.

Reminiscences of Marcus Township, Cherokee County, by Anna Bird Stotts, in the *Marcus News*, August 25, 1932.

Story of duel in Dunlap, by J. Dee Ellis, in the *Dunlap Reporter*, August 25, 1932.

Methodist Episcopal Church at Sidney celebrates its eightieth anniversary, in the *Sidney Argus-Herald*, August 25, 1932.

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Hardships of Iowa pioneers, in the *Cedar Rapids Gazette*, September 11, 1932.

HISTORICAL ACTIVITIES

The Committee of the American Historical Association on the Planning of Research has recently issued a report entitled, *Historical Scholarship in America Needs and Opportunities*. A. M. Schlesinger is chairman of the committee and William L. Langer, secretary. Other members are Charles W. David, William S. Ferguson, Guy Stanton Ford, Carlton J. H. Hayes, and Dexter Perkins.

A Plains Archaeological Conference was held at Lincoln, Nebraska, on September 6, 7, and 8, 1932. Six States — Nebraska, South Dakota, Kansas, Arkansas, Michigan, and Iowa — were represented, among the Iowa representatives being Dr. Charles R. Keyes, of Mt. Vernon, Ellison Orr, of Waukon, Tim Erickson, of Villisca, and Paul Rowe, of Glenwood. Comparison of specimens from different localities was the chief purpose of the conference.

A statue of Abraham Lincoln — “The Hoosier Youth”, the work of Paul Manship, was dedicated at Fort Wayne, Indiana, on September 16, 1932. It stands in the forecourt of the Lincoln National Life Building and was erected by the Lincoln National Life Insurance Company. The principal address was delivered by Arthur M. Hyde, United States Secretary of Agriculture.

The fifteenth annual dinner and business meeting of the Agricultural History Society was held at the Cosmos Club, Washington, D. C., on April 15, 1932. Joseph Schafer, the president, presided. By ballots mailed to the members, the following officers were elected: president, Ulrich B. Phillips, Yale University; vice president, L. C. Gray, U. S. Department of Agriculture; secretary-treasurer, O. C. Stine, also of the Department of Agriculture. The program included the presidential address on “Some Enduring Factors in Rural Polity”, by Joseph Schafer.

The thirty-third annual meeting of the Illinois State Historical Society was held at Springfield on May 12 and 13, 1932. Dr. Otto

L. Schmidt, President of the Society, presided. The program included the following papers: "George Washington: A Study of His Qualities", by Carl Russell Fish; "Historic Landmarks Along the Highways of Illinois", by George Thomas Palmer; "The Black Hawk War", by John H. Hauberg; "Misconceptions Concerning the Early History of the University of Illinois", by Fred H. Turner; "Lincoln and the *Chicago Times*", by Mrs. L. E. Ellis; and "John Kinzie's Place in Chicago History", by James Ryan Haydon.

IOWA

The city of Burlington is contemplating the observance, in 1933, of the one hundredth anniversary of its founding. C. W. Bond is chairman of the committee to make tentative plans.

A new series of lessons on Iowa history, prepared by Hubert Moeller, will appear weekly in the *Des Moines Register* this year. The first of the series appeared on September 12, 1932, and others will appear weekly for thirty-two weeks.

Dr. O. B. Clark, head of the History Department of Drake University, has retired and Dr. Charles J. Ritchey, formerly on the faculty of Macalester College at St. Paul, will become head of the department this fall.

The Central Broadcasting stations WHO-WOC have announced a series of talks on "Famous Homes and Men of Iowa and the Middle West", to be given by L. O. Leonard. The subject of the first sketch, given on September 6th, was Samuel J. Kirkwood, Iowa's Civil War Governor.

On June 14, 1932, the Mary Marion chapter of the Iowa Daughters of the American Revolution dedicated two elms at Knoxville, one in honor of George Washington and one honoring William M. Stone, a former Governor of Iowa. The program included an address on Washington by O. L. Carr, and one on William M. Stone, by M. L. Curtis.

The annual meeting of the Wyoming Historical Society was held on August 9, 1932. Clifford Paul, county attorney of Jones

County, was the principal speaker. The following officers were elected: Mrs. Nona Brainard Terhume, president; Miss Elsie Bender, Miss Janet Reade, Miss Grizelda Morse, and Mrs. Hetty Franks, vice presidents; Mrs. Elizabeth Wherry and Mrs. Jessie Koch, secretaries; and Mrs. Elva Broder, treasurer.

The Des Moines Hospitality Club recently sponsored an essay contest on the history of six Iowa counties — Poweshiek, Boone, Tama, Monroe, Cass, and Union. The contest was open to high school pupils, the winner in each county receiving a prize of twenty-five dollars and a trip to Des Moines where the winner was presented on the radio program of Stations WHO-WOC. The judges were E. R. Harlan, Curator of the State Historical Department, and Professor Frank I. Herriott of Drake University. The winners were: Pauline Mars, Boone County; Betty J. White, Cass County; Maxine Stansberry, Monroe County; Oakley Van Zee, Poweshiek County; and Lola Williams, Tama County.

THE STATE HISTORICAL SOCIETY OF IOWA

The official scrapbook of the Iowa Good Roads Association has been presented to the State Historical Society at Iowa City, by Mr. Glenn C. Haynes, the executive secretary of the Association. Valuable pamphlets, newspaper clippings, letters, charts, and maps are included, dating from May, 1923.

Oil portraits of Mr. and Mrs. George W. Dodder, former residents of Iowa City, have been donated to the Library of the State Historical Society. Mr. and Mrs. Dodder came to Iowa City in 1855 where Mr. Dodder served as justice of the peace for nearly forty years. From 1866 to 1870, he was one of the Curators of the State Historical Society.

Since the year 1933 marks the hundredth anniversary of the coming of white settlers into Iowa, the subject — "The White Tide Breaks" — has been selected as the theme of Iowa History Week in 1933. As a prelude to Iowa History Week the State Historical Society will, throughout the coming winter, sponsor a series of broadcasts over WSUI every Thursday evening at 8:40 o'clock.

The lectures will be given by Dr. William J. Petersen, Research Associate of the State Historical Society, and the series will commence on October 6, 1932. The geology of Iowa will form the subject of the first talk. Subsequent topics include prehistoric man, the Indians of Iowa, exploration and discovery, international rivalry between Spain, France, and England, and the acquisition of the Iowa country by the United States. Special radio programs will be given by the Society over WSUI during the month of April and especially during Iowa History Week.

The following persons have recently been elected to membership in the Society: Mrs. F. L. Dewees, Keokuk, Iowa; Mr. John R. Fitzsimmons, Ames, Iowa; Mr. Wm. J. Klingbeil, Postville, Iowa; Mr. Arthur V. O'Brien, Iowa City, Iowa; Mr. Charles P. Skemp, Dubuque, Iowa; Mr. G. C. Aschom, Lansing, Iowa; Miss Martha Baker, Dubuque, Iowa; Mr. Chase Bannister, Ottumwa, Iowa; Mr. Albert Bluhm, Ottumwa, Iowa; Miss Mary C. Hartley, Ida Grove, Iowa; Miss Helen Herbert, Storm Lake, Iowa; Miss Marie Krieg, Burlington, Iowa; Sister Mary Annette, Dubuque, Iowa; Mr. Thomas J. Sheridan, Oakland, Calif.; Mrs. Lenora A. Wolfe, Glenwood, Iowa; Miss Lucile H. Kautz, Muscatine, Iowa; and Mrs. Will Laughlin, Mt. Pleasant, Iowa. The following persons have been enrolled as life members of the Society: Mr. Lewis H. Andrews, Clearfield, Iowa; Mrs. E. L. Bower, Guthrie Center, Iowa; Mr. J. C. Collier, Dubuque, Iowa; Miss Zada M. Cooper, Iowa City, Iowa; Mr. O. A. Garretson, Salem, Iowa; Mr. W. A. Jessup, Iowa City, Iowa; Mr. Geo. A. Jewett, Des Moines, Iowa; Mr. K. M. LeCompte, Corydon, Iowa; Rabbi Eugene Mannheimer, Des Moines, Iowa; Mr. W. P. Myers, Ottumwa, Iowa; Mr. A. V. Proudfoot, Indianola, Iowa; Mr. I. W. Shambaugh, Clarinda, Iowa; Mr. Stanley R. Smith, Osage, Iowa; and Mr. O. S. von Krog, Eldora, Iowa.

NOTES AND COMMENT

The old settlers of Emmett County met at the Fort Defiance State Park on August 19, 1932.

Eagle Park at Clinton was the scene of the reunion of pioneers of the vicinity on September 1, 1932. Reverend S. V. Williams gave the chief address on the subject, "The Happy Pioneer".

The annual meeting of the Crawford County Old Settlers' Association was held at Denison on August 18, 1932. A new constitution and new by-laws were presented and adopted. The officers elected were: Mrs. M. A. Nichols, president; G. A. Norelius, Z. T. Dunham, George Slater, and Edward F. Glan, vice presidents; F. L. Hoffman, secretary; and T. J. Campbell, treasurer.

The annual reunion of the Prairie City old settlers was held at that place on August 16, 1932. Professor K. E. Leib of the University of Iowa, a former resident of Prairie City, was the principal speaker, having for his topic "The Old Settlers Look at Life To-day". The executive committee included R. E. Yowell, president; John Ver Dught, vice president; and Albert McFadden, secretary and treasurer.

Old settlers of Webster and Hamilton counties held their annual picnic at Bell's Mill Park, north of Stratford, on August 7, 1932. Judge E. E. Cavanaugh gave the address in which he paid tribute to the pioneers. Officers were reelected as follows: A. B. Bell, president; A. A. Deo, vice president; S. J. Cottingham, secretary; and A. P. Gleason, treasurer.

Dedication services for the Barkley Preserve, one of the new Iowa State Parks, were held on June 19, 1932. The tract was presented to the State by Mrs. Flora E. S. Barkley in memory of her husband, Alonzo J. Barkley. Judge George Word spoke at the dedication. The presentation was made by Mrs. R. H. Volland of the State Board of Conservation, and the acceptance speech was by G. C. Greenwalt, Secretary of State. The park is near Boone.

The Black Hawk County Early Settlers' Association held its annual picnic at the Hanna farm between Cedar Falls and Waterloo on August 27, 1932. J. A. Laurie spoke on "Pioneer Days". Roger Leavitt paid tribute to George W. Hanna, who homesteaded the land where the picnic was held and a reunion of the Hanna family was a feature of the meeting. J. A. Smith was elected president of the association; R. M. Gunn, vice president; and Dr. C. W. Bruner, secretary-treasurer.

The forty-sixth annual reunion of the Old Settlers' Association of Madison and Warren counties was held at St. Charles on August 11, 1932. The program included old songs in costume; a poem, "Old Settlers' Day", written by Milton G. Patrick and read by H. A. Mueller; a short talk by C. S. Cooter; and an address by Nelson G. Kraschel. Officers chosen for 1933 were: E. E. Howard, president; P. A. Carter, vice president from Madison County; J. L. Knott, vice president from Warren County; H. A. Mueller, secretary; and J. H. Anderson, treasurer.

The Scott County Pioneer Settlers' Association held its seventy-sixth annual reunion at Davenport on August 31, 1932. Five members of the Association and thirty members of the auxiliary were present. The principal speaker was John W. Hauberg who talked on the pioneers. Mrs. Emma Clark Harrison gave a talk on "Pioneer Industries of Buffalo". Mrs. Rudolph Snyder was named president; Miles Collins of the auxiliary, vice president; and Mrs. Julia Karwath was reelected secretary. Mrs. Grace Witter was elected president of the auxiliary; Mrs. Jennie Barnes, vice president; Miss May Neil, secretary; and Mrs. Julia Stroehle, treasurer.

The National Park Service is considering the establishment of a national park to include one or more of Iowa's groups of Indian mounds. In July, Verne E. Chatelain, historian of the National Park Service, visited northeastern Iowa and made a survey of the Yellow River group of mounds, the group near Lansing, the Jennings-Liephart group, and the group on Turkey River. Mr. Chatelain was accompanied by a number of Iowans including Dr. Charles R. Keyes, who has made a survey of the archeological re-

mains in Iowa, Mrs. Henry Frankel, chairman of the State Board of Conservation, Mrs. Grace Gilbert King, a member of the Board, Walter H. Beall, president of the Northeast Iowa National Park Association, and Ellison Orr, who has made a study of Iowa archeology.

The State of Iowa was the subject of the radio program presented by the General Motors Corporation on September 5, 1932, in its series of broadcasts known as "The Parade of the States". The guest artists were Clarence Whitehill, formerly of Marengo, Iowa, and Viola Philo. The program included an arrangement of "Pale Moon", by Frederick Knight Logan, who lived at Oskaloosa, the last movement of the "New World Symphony", composed by Antonin Dvorak at Spillville, Iowa, and a medley of songs by Harry Archer who was born at Creston, Iowa. The following tribute to Iowa was written by Bruce Barton:

"We come now to 'a good land and a large', as the Bible says, 'a land flowing with milk and honey'. We come to Iowa. Here men of the hills, from New York and New England, from Virginia, Kentucky and Tennessee, first felt the enchantment of the Great Prairie. The good black earth lay many feet deep. Rich grasses rose to the height of a man's shoulder, and the wild rose, later chosen by the people as their state flower, smiled its gentle welcome. Once in those early days, to show the promise of the land and to guide the settlers on their path, a furrow was plowed all the way from Iowa City to Dubuque. Mile after mile for seventy miles the shining steel slipped through the rockless loam, turning over warm black ribbons of fertility. The great prairie still casts its spell over Iowa, but today the wind ripples over vast acres of oats and wheat and tasseling corn. More of the land of Iowa is under cultivation than that of any other state. Corn and hogs are her wealth, but not by any means her only wealth. Great beds of coal lie under her broad acres. Diversified manufactures flourish in her cities. At Keokuk a mile long dam harnesses the water power of the Mississippi. At Ames her college of agriculture leads in research and experiment, and at Iowa City her splendid university, with its nine thousand students, is the visible expression of a

cultural impulse which has given to Iowa the highest literacy in America. It was her adopted son, James Wilson, who lifted the national Department of Agriculture to its high plane of dignity and service. Jonathan Prentiss Dolliver and Albert Baird Cummins led the battle for progressive-ism in our political life. The glamorous hero of boyhood, 'Buffalo Bill', sprang from her soil. To literature she has given Emerson Hough, Herbert Quick, Susan Glaspell, Ellis Parker Butler, Ruth Suckow, and many another interpreter of American life. The President of the United States, Herbert Hoover, was born in an Iowa farming village. The Iowa prairies helped to give Antonin Dvorak, the Bohemian composer, inspiration for his music; the 'Largo' of his 'New World Symphony' was completed here in the 'Hawkeye State'. Such is the empire to which we now invite you — a fruitful land, a land of sturdy independent men and women, yes, and a land of beauty. Thirty-nine state parks are dotted with lakes and traversed by gently flowing streams. Glorious roads are everywhere, including the Lincoln Highway. Happiness awaits you. Hospitality awaits you. Climb into your car and drive to Iowa. To Iowa, out where the tall corn grows!"

CONTRIBUTORS

EARLE DUDLEY ROSS, Associate Professor of History at Iowa State College, Ames, Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS, July, 1926, p. 508.)

JACOB A. SWISHER, Research Associate in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS, July, 1931, p. 458.)

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